
SUBSTITUTE SENATE BILL 5693

State of Washington

66th Legislature

2019 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Saldaña, Keiser, Hasegawa, and Das)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to transparency in agricultural supply chains;
2 amending RCW 19.320.010; adding a new section to chapter 19.320 RCW;
3 creating new sections; prescribing penalties; and providing an
4 effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the
7 Washington transparency in agricultural supply chains act.

8 NEW SECTION. **Sec. 2.** The legislature finds that as the first
9 state in the nation to criminalize human trafficking, Washington
10 state is a recognized national pioneer in the antihuman trafficking
11 movement. In 2003, a coalition of activists from communities of color
12 championed House Bill No. 1175, setting a historical precedent by
13 making human trafficking a crime on the state level for the first
14 time. Since then, all fifty states have implemented similar laws.
15 However, human trafficking remains a national and global human rights
16 problem exacerbated by supply chains.

17 Washington state and our corporations have the opportunity to
18 further our exemplary commitment to ending human trafficking by
19 encouraging transparency in certain corporate supply chains.
20 Washington consumers repeatedly demonstrate that they prefer to

1 purchase goods identified as manufactured under good working
2 conditions with a clean supply chain. Ensuring that large corporate
3 retailers of agricultural products provide consumers with information
4 regarding their supply chains allows Washington consumers to make
5 informed purchases from companies that responsibly manage their
6 supply changes.

7 **Sec. 3.** RCW 19.320.010 and 2016 c 4 s 1 are each amended to read
8 as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Any person" means adults and children of any nationality.

12 (2) "Domestic employers of foreign workers" or "domestic
13 employer" means a person or persons residing in the state of
14 Washington who recruit or employ a foreign worker to perform work in
15 Washington state.

16 (3) "Forced labor" means all work or service which is exacted
17 from any person under the menace of any penalty and to which the
18 person has not offered himself or herself voluntarily.

19 (4) "Foreign worker" or "worker" means a person who is not a
20 citizen of the United States, who comes to Washington state based on
21 an offer of employment, and who holds a nonimmigrant visa for
22 temporary visitors.

23 (5) "Human trafficking" or "trafficking" means an act conducted
24 for the purpose of exploitation, including forced labor, by
25 particular means, for example threat of use of force or other forms
26 of coercion, abduction, fraud or deception, abuse of power, or abuse
27 of position of vulnerability.

28 (6) "International labor recruitment agency" means a corporation,
29 partnership, business, or other legal entity, whether or not
30 organized under the laws of the United States or any state, that does
31 business in the United States and offers Washington state entities
32 engaged in the employment or recruitment of foreign workers,
33 employment referral services involving citizens of a foreign country
34 or countries by acting as an intermediary between these foreign
35 workers and Washington employers.

36 (7) "Menace of any penalty" means all forms of criminal sanctions
37 and other forms of coercion, including threats, violence, retention
38 of identity documents, confinement, nonpayment or illegal deduction
39 of wages, or debt bondage.

1 (8) "Work or service" means all types of work, employment, or
2 occupation, whether legal or not.

3 (9) "Agricultural product" means cocoa, dairy, coffee, sugar, and
4 fruit products. "Agricultural product" does not mean wheat, potato,
5 onions, asparagus, or other vegetable products.

6 (10) "Company" has the same meaning as in RCW 82.04.030.

7 (11) "Retail seller" means every company engaging in the business
8 of making sales at retail.

9 (12) "Sales at retail" has the same meaning as in RCW 82.04.050.

10 (13) "Supplier" means an individual, business, or entity in any
11 form, that is contracted by a retailer of agricultural products for
12 the supply of agricultural products.

13 NEW SECTION. Sec. 4. A new section is added to chapter 19.320
14 RCW to read as follows:

15 (1) Every retail seller of agricultural products doing business
16 in Washington state and having annual worldwide gross receipts of two
17 hundred million dollars or more must:

18 (a) Make an annual disclosure as provided in subsection (2) of
19 this section; and

20 (b) Require its suppliers to report annually to the retail seller
21 any violations of employment-related laws and incidents of slavery,
22 peonage, and human trafficking including any: (i) Court or
23 arbitration rulings; (ii) citations or other rulings by governmental
24 agencies; and (iii) criminal convictions.

25 (2) The annual disclosure required in subsection (1)(a) of this
26 section must, at a minimum, state:

27 (a) The retail seller's specific actions taken, if any, with
28 respect to its product supply chains to: (i) Evaluate and address
29 risks of slavery, peonage, and human trafficking; (ii) comply with
30 employment law obligations; and (iii) respect workers' human rights;
31 and

32 (b) Any information reported from its suppliers as provided in
33 subsection (1)(b) of this section.

34 (3) The disclosure described in subsection (2) of this section
35 must be posted on the retail seller's internet web site with a
36 conspicuous and easily understood link to the required information
37 placed on the business' homepage. In the event the retail seller does
38 not have an internet web site, the retail seller must provide

1 consumers with a written disclosure within thirty days of receiving a
2 written request for the disclosure from a consumer.

3 (4) Failure of a supplier to report the information to the retail
4 seller as required in subsection (2)(b) of this section is a
5 violation of this section. For purposes of establishing personal
6 jurisdiction under this section, a supplier is deemed to be doing
7 business in Washington and is subject to the jurisdiction of the
8 courts of Washington state if the supplier contracts for the sale of
9 goods with a retail seller doing business in Washington state or is
10 considered to be doing business in Washington state under any other
11 provision or rule of law.

12 (5) Failure of a retail seller of agricultural products to meet
13 any of the requirements of this section is a violation of this
14 section.

15 (6) The attorney general may commence a civil action in a
16 Washington state court against a retail seller of agricultural
17 products or a supplier for a violation of this section. Nothing in
18 this section limits remedies available for a violation of any other
19 state or federal law.

20 (7) If a court finds that a retail seller of agricultural
21 products or a supplier has violated this section, the court may award
22 to the plaintiff: (a) Statutory damages of not less than five hundred
23 dollars and not more than seven thousand dollars for each such
24 violation; (b) punitive damages for willful violations; (c)
25 reasonable costs and attorneys' fees; and (d) declaratory or
26 injunctive relief as the court deems appropriate.

27 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2020.

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