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**SUBSTITUTE SENATE BILL 5186**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Liias, Billig, Dhingra, Hunt, Keiser, Lovick, Nguyen, Nobles, Stanford, Valdez, Wellman, and C. Wilson)

AN ACT Relating to requiring antidiscrimination clauses in public contracting; amending RCW 39.26.245 and 39.04.160; and adding a new section to chapter 49.60 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 49.60 RCW to read as follows:

(1)(a) After January 1, 2024, any contractor or prospective contractor, including subcontractors, with the state for public works or for goods or services is subject to the provisions of this chapter relating to discrimination in employment and to the nondiscrimination requirements of this chapter and any rules and regulations to implement it.

(b) Contractors currently contracted with the state as of January 1, 2024, who are subject to (a) of this subsection and who were previously excluded from this chapter, are not liable under this chapter for actions occurring prior to January 1, 2024. However, this subsection (1)(b) does not exclude actions commencing prior to January 1, 2024, that continue on or after January 1, 2024.

(2) Every state contract and subcontract for public works or for goods or services must contain a nondiscrimination clause prohibiting discrimination on the bases enumerated in RCW 49.60.180. The nondiscrimination clause must contain a provision requiring contractors and subcontractors to give written notice of their obligations under that clause to labor organizations with which they have a collective bargaining or other agreement.

(3) The department of enterprise services, in collaboration with the office of minority and women's business enterprises, office of equity, and the commission, must develop a standard template for public works and goods and services contracts to meet the provisions of this section.

**Sec.**  RCW 39.26.245 and 2010 c 5 s 6 are each amended to read as follows:

(1) All contracts entered into and purchases made, including leasing or renting, under this chapter on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

(2) All procurement contracts entered into under this chapter on or after June 10, 2010, are subject to the requirements established under RCW 43.60A.200.

(3) All contracts with the state for goods or services entered into under this chapter on or after January 1, 2024, are subject to the requirements established under section 1 of this act.

**Sec.**  RCW 39.04.160 and 1983 c 120 s 11 are each amended to read as follows:

(1) All contracts entered into under this chapter by the state on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

(2) All contracts entered into under this chapter by the state on or after January 1, 2024, are subject to the requirements established under section 1 of this act.

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