
HOUSE BILL 1827

State of Washington

68th Legislature

2023 Regular Session

By Representatives Walsh and Eslick

Read first time 02/14/23. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to preventing discrimination based on vaccination
2 status and creating the medical freedom act; amending RCW 43.70.010,
3 49.60.010, 49.60.020, 49.60.030, 49.60.130, 49.60.175, 49.60.176,
4 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222,
5 49.60.223, 49.60.224, 49.60.225, 49.60.405, and 28A.210.080;
6 reenacting and amending RCW 49.60.040; adding new sections to chapter
7 43.70 RCW; and creating a new section.

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

9 **Sec. 1.** RCW 43.70.010 and 1995 c 269 s 2201 are each amended to
10 read as follows:

11 (~~As used in this chapter, unless the context indicates~~
12 ~~otherwise:)~~ The definitions in this section apply throughout this
13 chapter unless the context clearly requires otherwise.

14 (1) "Assessment" means the regular collection, analysis, and
15 sharing of information about health conditions, risks, and resources
16 in a community. Assessment activities identify trends in illness,
17 injury, and death and the factors that may cause these events. They
18 also identify environmental risk factors, community concerns,
19 community health resources, and the use of health services.
20 Assessment includes gathering statistical data as well as conducting

1 epidemiologic and other investigations and evaluations of health
2 emergencies and specific ongoing health problems((~~+~~)).

3 (2) "Board" means the state board of health((~~+~~)).

4 (3) "Department" means the department of health((~~+~~)).

5 (4) "Immunization registry" means the automated, electronic, and
6 centralized database and registry of immunizations created by the
7 department.

8 (5) "Policy development" means the establishment of social norms,
9 organizational guidelines, operational procedures, rules, ordinances,
10 or statutes that promote health or prevent injury, illness, or
11 death(~~(+and)~~).

12 ((~~+5~~)) (6) "Secretary" means the secretary of health.

13 NEW SECTION. Sec. 2. A new section is added to chapter 43.70
14 RCW to read as follows:

15 (1) An immunization registry created within the department is
16 available to all licensed health care providers in Washington to
17 support the department's immunization activities. The registry must
18 serve as the primary vaccine management tool for providers enrolled
19 in the childhood vaccine program and its successors, assist schools
20 in assessing immunization compliance, and provide official
21 immunization certificates. Except as provided in subsection (2) of
22 this section, the department must include all children born in this
23 state in the immunization registry by using the birth records from
24 the state office of vital statistics. The department must add other
25 children to the registry as immunization services are provided.

26 (2) The department may not require enrollment in the immunization
27 registry or otherwise require persons to submit to any form of
28 immunization tracking.

29 (3) Any person may refuse to be included in the immunization
30 registry. A person may refuse to be included in the immunization
31 registry by signing a form obtained from the department of health, or
32 from the health care provider or entity that provides the
33 immunization. A parent or guardian of a child may refuse on behalf of
34 the child. The form must indicate that the person does not wish to be
35 included in the immunization registry. Each consent to treatment form
36 provided by a health care provider or by an entity that administers
37 vaccinations or causes vaccinations to be administered must contain a
38 notice stating that the person may refuse to be included in the
39 immunization registry. A person may either submit the opt-out form

1 directly to the department or provide it to the health care provider
2 upon administration of the vaccination. If submitted to the health
3 care provider, the health care provider must submit the form to the
4 department. If a person has refused to be included in an immunization
5 registry, any records or identifying information pertaining to the
6 person must be removed from the registry.

7 (4) The immunization registry must allow for immunization records
8 to be electronically available to entities that are required by law
9 to have such records, including, but not limited to, schools and
10 licensed day care centers. However, the department may not include a
11 person's immunization records in any interstate or federal
12 immunization tracking system or otherwise allow an entity not
13 required by law to have such records without first obtaining written
14 informed consent from the person or the person's parent or guardian,
15 if the person is a minor, to release the immunization records for
16 such purpose.

17 (5) A health care provider licensed under Title 18 RCW who
18 administers vaccinations or causes vaccinations to be administered is
19 required to report vaccination data to the immunization registry
20 unless a person has refused to be included in the immunization
21 registry by meeting the requirements of subsection (3) of this
22 section. The upload of data from existing automated systems is an
23 acceptable method for updating immunization information in the
24 immunization registry. The information in the immunization registry
25 may include the person's name, date of birth, address, and any other
26 unique identifier necessary to correctly identify the person; the
27 immunization record, including the date, type of administered
28 vaccine, and vaccine lot number; and the presence or absence of any
29 adverse reaction or contraindication related to the immunization.
30 Information received by the department for the immunization registry
31 retains its status as confidential medical information, and the
32 department must maintain the confidentiality of that information as
33 otherwise required by law. A health care provider or entity that
34 obtains information from the immunization registry must maintain the
35 confidentiality of any medical records in accordance with federal and
36 state law.

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70
38 RCW to read as follows:

1 (1) A business entity operating in this state may not require
2 patrons or customers to provide any documentation certifying
3 vaccination or postinfection recovery from any disease to gain access
4 to, entry upon, or service from the business operations in this
5 state. This subsection does not otherwise restrict businesses from
6 instituting screening protocols consistent with government-issued
7 guidance to protect public health. "Business entity" means
8 corporation, association, partnership, limited liability company,
9 limited liability partnership, or other legal entity registered,
10 licensed, or authorized to conduct business in the state.

11 (2) A governmental entity may not require persons to provide any
12 documentation certifying vaccination or postinfection recovery from
13 any disease to gain access to, entry upon, or service from the
14 governmental entity's operations in this state. This subsection does
15 not otherwise restrict governmental entities from instituting
16 screening protocols consistent with government-issued guidance to
17 protect public health. "Governmental entity" means the state of
18 Washington, state agencies and any agencies or commissions funded, in
19 whole or in part, by the state, counties, cities, towns, special
20 purpose districts, municipal corporations, or quasi-municipal
21 corporations in the state of Washington.

22 (3) An educational institution may not require students or
23 residents to provide any documentation certifying vaccination or
24 postinfection recovery from any disease for attendance or enrollment,
25 or to gain access to, entry upon, or service from such educational
26 institution in this state. This subsection does not otherwise
27 restrict educational institutions from instituting screening
28 protocols consistent with government-issued guidance to protect
29 public health. This subsection does not apply to immunizations
30 required in RCW 28A.210.060 through 28A.210.170. "Educational
31 institution" means an institution of higher education as defined in
32 RCW 28B.10.016 or an educational institution as defined in RCW
33 28C.04.410, including equivalent educational institutions in other
34 states and public and private schools serving students in K-12
35 education.

36 (4) This section does not apply to a health care provider.
37 However, a health care provider may not make the provision of any
38 health care service contingent upon a person receiving or having
39 received a particular vaccine or having recovered from infection from
40 a particular disease.

1 (5) The department may adopt rules to implement this section.

2 **Sec. 4.** RCW 49.60.010 and 2020 c 52 s 1 are each amended to read
3 as follows:

4 This chapter shall be known as the "law against discrimination."
5 It is an exercise of the police power of the state for the protection
6 of the public welfare, health, and peace of the people of this state,
7 and in fulfillment of the provisions of the Constitution of this
8 state concerning civil rights. The legislature hereby finds and
9 declares that practices of discrimination against any of its
10 inhabitants because of race, creed, color, national origin,
11 citizenship or immigration status, vaccination or immunity status,
12 families with children, sex, marital status, sexual orientation, age,
13 honorably discharged veteran or military status, or the presence of
14 any sensory, mental, or physical disability or the use of a trained
15 dog guide or service animal by a person with a disability are a
16 matter of state concern, that such discrimination threatens not only
17 the rights and proper privileges of its inhabitants but menaces the
18 institutions and foundation of a free democratic state. A state
19 agency is herein created with powers with respect to elimination and
20 prevention of discrimination in employment, in credit and insurance
21 transactions, in places of public resort, accommodation, or
22 amusement, and in real property transactions because of race, creed,
23 color, national origin, citizenship or immigration status,
24 vaccination or immunity status, families with children, sex, marital
25 status, sexual orientation, age, honorably discharged veteran or
26 military status, or the presence of any sensory, mental, or physical
27 disability or the use of a trained dog guide or service animal by a
28 person with a disability; and the commission established hereunder is
29 hereby given general jurisdiction and power for such purposes.

30 **Sec. 5.** RCW 49.60.020 and 2020 c 52 s 2 are each amended to read
31 as follows:

32 The provisions of this chapter shall be construed liberally for
33 the accomplishment of the purposes thereof. Nothing contained in this
34 chapter shall be deemed to repeal any of the provisions of any other
35 law of this state relating to discrimination because of race, color,
36 creed, national origin, citizenship or immigration status,
37 vaccination or immunity status, sex, marital status, sexual
38 orientation, age, honorably discharged veteran or military status, or

1 the presence of any sensory, mental, or physical disability, other
2 than a law which purports to require or permit doing any act which is
3 an unfair practice under this chapter. However, to the extent that
4 distinction or differential treatment on the basis of citizenship or
5 immigration status or vaccine or immunity status is authorized by
6 federal or state law, regulation, or government contract, it is not
7 an unfair practice. Nor shall anything herein contained be construed
8 to deny the right to any person to institute any action or pursue any
9 civil or criminal remedy based upon an alleged violation of his or
10 her civil rights. This chapter shall not be construed to endorse any
11 specific belief, practice, behavior, or orientation. Inclusion of
12 sexual orientation in this chapter shall not be construed to modify
13 or supersede state law relating to marriage.

14 **Sec. 6.** RCW 49.60.030 and 2020 c 52 s 4 are each amended to read
15 as follows:

16 (1) The right to be free from discrimination because of race,
17 creed, color, national origin, citizenship or immigration status,
18 vaccination or immunity status, sex, honorably discharged veteran or
19 military status, sexual orientation, or the presence of any sensory,
20 mental, or physical disability or the use of a trained dog guide or
21 service animal by a person with a disability is recognized as and
22 declared to be a civil right. This right shall include, but not be
23 limited to:

24 (a) The right to obtain and hold employment without
25 discrimination;

26 (b) The right to the full enjoyment of any of the accommodations,
27 advantages, facilities, or privileges of any place of public resort,
28 accommodation, assemblage, or amusement;

29 (c) The right to engage in real estate transactions without
30 discrimination, including discrimination against families with
31 children;

32 (d) The right to engage in credit transactions without
33 discrimination;

34 (e) The right to engage in insurance transactions or transactions
35 with health maintenance organizations without discrimination:
36 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
37 48.44.220, or 48.46.370 does not constitute an unfair practice for
38 the purposes of this (~~subparagraph~~) subsection (1)(e);

1 (f) The right to engage in commerce free from any discriminatory
2 boycotts or blacklists. Discriminatory boycotts or blacklists for
3 purposes of this section shall be defined as the formation or
4 execution of any express or implied agreement, understanding, policy
5 or contractual arrangement for economic benefit between any persons
6 which is not specifically authorized by the laws of the United States
7 and which is required or imposed, either directly or indirectly,
8 overtly or covertly, by a foreign government or foreign person in
9 order to restrict, condition, prohibit, or interfere with or in order
10 to exclude any person or persons from any business relationship on
11 the basis of race, color, creed, religion, sex, honorably discharged
12 veteran or military status, sexual orientation, the presence of any
13 sensory, mental, or physical disability, or the use of a trained dog
14 guide or service animal by a person with a disability, or national
15 origin, citizenship or immigration status, vaccination or immunity
16 status, or lawful business relationship: PROVIDED HOWEVER, That
17 nothing herein contained shall prohibit the use of boycotts as
18 authorized by law pertaining to labor disputes and unfair labor
19 practices; and

20 (g) The right of a mother to breastfeed her child in any place of
21 public resort, accommodation, assemblage, or amusement.

22 (2) Any person deeming himself or herself injured by any act in
23 violation of this chapter shall have a civil action in a court of
24 competent jurisdiction to enjoin further violations, or to recover
25 the actual damages sustained by the person, or both, together with
26 the cost of suit including reasonable attorneys' fees or any other
27 appropriate remedy authorized by this chapter or the United States
28 Civil Rights Act of 1964 as amended, or the Federal Fair Housing
29 Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

30 (3) Except for any unfair practice committed by an employer
31 against an employee or a prospective employee, or any unfair practice
32 in a real estate transaction which is the basis for relief specified
33 in the amendments to RCW 49.60.225 contained in chapter 69, Laws of
34 1993, any unfair practice prohibited by this chapter which is
35 committed in the course of trade or commerce as defined in the
36 Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of
37 applying that chapter, a matter affecting the public interest, is not
38 reasonable in relation to the development and preservation of
39 business, and is an unfair or deceptive act in trade or commerce.

1 **Sec. 7.** RCW 49.60.040 and 2020 c 85 s 1 are each reenacted and
2 amended to read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Aggrieved person" means any person who: (a) Claims to have
6 been injured by an unfair practice in a real estate transaction; or
7 (b) believes that he or she will be injured by an unfair practice in
8 a real estate transaction that is about to occur.

9 (2) "Any place of public resort, accommodation, assemblage, or
10 amusement" includes, but is not limited to, any place, licensed or
11 unlicensed, kept for gain, hire, or reward, or where charges are made
12 for admission, service, occupancy, or use of any property or
13 facilities, whether conducted for the entertainment, housing, or
14 lodging of transient guests, or for the benefit, use, or
15 accommodation of those seeking health, recreation, or rest, or for
16 the burial or other disposition of human remains, or for the sale of
17 goods, merchandise, services, or personal property, or for the
18 rendering of personal services, or for public conveyance or
19 transportation on land, water, or in the air, including the stations
20 and terminals thereof and the garaging of vehicles, or where food or
21 beverages of any kind are sold for consumption on the premises, or
22 where public amusement, entertainment, sports, or recreation of any
23 kind is offered with or without charge, or where medical service or
24 care is made available, or where the public gathers, congregates, or
25 assembles for amusement, recreation, or public purposes, or public
26 halls, public elevators, and public washrooms of buildings and
27 structures occupied by two or more tenants, or by the owner and one
28 or more tenants, or any public library or educational institution, or
29 schools of special instruction, or nursery schools, or day care
30 centers or children's camps: PROVIDED, That nothing contained in this
31 definition shall be construed to include or apply to any institute,
32 bona fide club, or place of accommodation, which is by its nature
33 distinctly private, including fraternal organizations, though where
34 public use is permitted that use shall be covered by this chapter;
35 nor shall anything contained in this definition apply to any
36 educational facility, columbarium, crematory, mausoleum, or cemetery
37 operated or maintained by a bona fide religious or sectarian
38 institution.

39 (3) "Commission" means the Washington state human rights
40 commission.

1 (4) "Complainant" means the person who files a complaint in a
2 real estate transaction.

3 (5) "Covered multifamily dwelling" means: (a) Buildings
4 consisting of four or more dwelling units if such buildings have one
5 or more elevators; and (b) ground floor dwelling units in other
6 buildings consisting of four or more dwelling units.

7 (6) "Credit transaction" includes any open or closed end credit
8 transaction, whether in the nature of a loan, retail installment
9 transaction, credit card issue or charge, or otherwise, and whether
10 for personal or for business purposes, in which a service, finance,
11 or interest charge is imposed, or which provides for repayment in
12 scheduled payments, when such credit is extended in the regular
13 course of any trade or commerce, including but not limited to
14 transactions by banks, savings and loan associations or other
15 financial lending institutions of whatever nature, stock brokers, or
16 by a merchant or mercantile establishment which as part of its
17 ordinary business permits or provides that payment for purchases of
18 property or service therefrom may be deferred.

19 (7)(a) "Disability" means the presence of a sensory, mental, or
20 physical impairment that:

21 (i) Is medically cognizable or diagnosable; or

22 (ii) Exists as a record or history; or

23 (iii) Is perceived to exist whether or not it exists in fact.

24 (b) A disability exists whether it is temporary or permanent,
25 common or uncommon, mitigated or unmitigated, or whether or not it
26 limits the ability to work generally or work at a particular job or
27 whether or not it limits any other activity within the scope of this
28 chapter.

29 (c) For purposes of this definition, "impairment" includes, but
30 is not limited to:

31 (i) Any physiological disorder, or condition, cosmetic
32 disfigurement, or anatomical loss affecting one or more of the
33 following body systems: Neurological, musculoskeletal, special sense
34 organs, respiratory, including speech organs, cardiovascular,
35 reproductive, digestive, (~~genitor-urinary~~—[genitourinary])
36 genitourinary, hemic and lymphatic, skin, and endocrine; or

37 (ii) Any mental, developmental, traumatic, or psychological
38 disorder, including but not limited to cognitive limitation, organic
39 brain syndrome, emotional or mental illness, and specific learning
40 disabilities.

1 (d) Only for the purposes of qualifying for reasonable
2 accommodation in employment, an impairment must be known or shown
3 through an interactive process to exist in fact and:

4 (i) The impairment must have a substantially limiting effect upon
5 the individual's ability to perform his or her job, the individual's
6 ability to apply or be considered for a job, or the individual's
7 access to equal benefits, privileges, or terms or conditions of
8 employment; or

9 (ii) The employee must have put the employer on notice of the
10 existence of an impairment, and medical documentation must establish
11 a reasonable likelihood that engaging in job functions without an
12 accommodation would aggravate the impairment to the extent that it
13 would create a substantially limiting effect.

14 (e) For purposes of (d) of this subsection, a limitation is not
15 substantial if it has only a trivial effect.

16 (8) "Dog guide" means a dog that is trained for the purpose of
17 guiding blind persons or a dog that is trained for the purpose of
18 assisting hearing impaired persons.

19 (9) "Dwelling" means any building, structure, or portion thereof
20 that is occupied as, or designed or intended for occupancy as, a
21 residence by one or more families, and any vacant land that is
22 offered for sale or lease for the construction or location thereon of
23 any such building, structure, or portion thereof.

24 (10) "Employee" does not include any individual employed by his
25 or her parents, spouse, or child, or in the domestic service of any
26 person.

27 (11) "Employer" includes any person acting in the interest of an
28 employer, directly or indirectly, who employs eight or more persons,
29 and does not include any religious or sectarian organization not
30 organized for private profit.

31 (12) "Employment agency" includes any person undertaking with or
32 without compensation to recruit, procure, refer, or place employees
33 for an employer.

34 (13) "Families with children status" means one or more
35 individuals who have not attained the age of eighteen years being
36 domiciled with a parent or another person having legal custody of
37 such individual or individuals, or with the designee of such parent
38 or other person having such legal custody, with the written
39 permission of such parent or other person. Families with children
40 status also applies to any person who is pregnant or is in the

1 process of securing legal custody of any individual who has not
2 attained the age of eighteen years.

3 (14) "Full enjoyment of" includes the right to purchase any
4 service, commodity, or article of personal property offered or sold
5 on, or by, any establishment to the public, and the admission of any
6 person to accommodations, advantages, facilities, or privileges of
7 any place of public resort, accommodation, assemblage, or amusement,
8 without acts directly or indirectly causing persons of any particular
9 race, creed, color, sex, sexual orientation, national origin, or with
10 any sensory, mental, or physical disability, or the use of a trained
11 dog guide or service animal by a person with a disability, to be
12 treated as not welcome, accepted, desired, or solicited.

13 (15) "Honorably discharged veteran or military status" means a
14 person who is:

15 (a) A veteran, as defined in RCW 41.04.007; or

16 (b) An active or reserve member in any branch of the armed forces
17 of the United States, including the national guard, coast guard, and
18 armed forces reserves.

19 (16) "Labor organization" includes any organization which exists
20 for the purpose, in whole or in part, of dealing with employers
21 concerning grievances or terms or conditions of employment, or for
22 other mutual aid or protection in connection with employment.

23 (17) "Marital status" means the legal status of being married,
24 single, separated, divorced, or widowed.

25 (18) "National origin" includes "ancestry."

26 (19) "Person" includes one or more individuals, partnerships,
27 associations, organizations, corporations, cooperatives, legal
28 representatives, trustees and receivers, or any group of persons; it
29 includes any owner, lessee, proprietor, manager, agent, or employee,
30 whether one or more natural persons; and further includes any
31 political or civil subdivisions of the state and any agency or
32 instrumentality of the state or of any political or civil subdivision
33 thereof.

34 (20) "Premises" means the interior or exterior spaces, parts,
35 components, or elements of a building, including individual dwelling
36 units and the public and common use areas of a building.

37 (21) "Race" is inclusive of traits historically associated or
38 perceived to be associated with race including, but not limited to,
39 hair texture and protective hairstyles. For purposes of this

1 subsection, "protective hairstyles" includes, but is not limited to,
2 such hairstyles as afros, braids, locks, and twists.

3 (22) "Real estate transaction" includes the sale, appraisal,
4 brokering, exchange, purchase, rental, or lease of real property,
5 transacting or applying for a real estate loan, or the provision of
6 brokerage services.

7 (23) "Real property" includes buildings, structures, dwellings,
8 real estate, lands, tenements, leaseholds, interests in real estate
9 cooperatives, condominiums, and hereditaments, corporeal and
10 incorporeal, or any interest therein.

11 (24) "Respondent" means any person accused in a complaint or
12 amended complaint of an unfair practice in a real estate transaction.

13 (25) "Service animal" means any dog or miniature horse, as
14 discussed in RCW 49.60.214, that is individually trained to do work
15 or perform tasks for the benefit of an individual with a disability,
16 including a physical, sensory, psychiatric, intellectual, or other
17 mental disability. The work or tasks performed by the service animal
18 must be directly related to the individual's disability. Examples of
19 work or tasks include, but are not limited to, assisting individuals
20 who are blind or have low vision with navigation and other tasks,
21 alerting individuals who are deaf or hard of hearing to the presence
22 of people or sounds, providing nonviolent protection or rescue work,
23 pulling a wheelchair, assisting an individual during a seizure,
24 alerting individuals to the presence of allergens, retrieving items
25 such as medicine or the telephone, providing physical support and
26 assistance with balance and stability to individuals with mobility
27 disabilities, and helping persons with psychiatric and neurological
28 disabilities by preventing or interrupting impulsive or destructive
29 behaviors. The crime deterrent effects of an animal's presence and
30 the provision of emotional support, well-being, comfort, or
31 companionship do not constitute work or tasks. This subsection does
32 not apply to RCW 49.60.222 through 49.60.227 with respect to housing
33 accommodations or real estate transactions.

34 (26) "Sex" means gender.

35 (27) "Sexual orientation" means heterosexuality, homosexuality,
36 bisexuality, and gender expression or identity. As used in this
37 definition, "gender expression or identity" means having or being
38 perceived as having a gender identity, self-image, appearance,
39 behavior, or expression, whether or not that gender identity, self-
40 image, appearance, behavior, or expression is different from that

1 traditionally associated with the sex assigned to that person at
2 birth.

3 (28) "Vaccination or immunity status" means whether a person has
4 been administered a vaccine for, or is otherwise immune, to a
5 particular disease.

6 **Sec. 8.** RCW 49.60.130 and 2020 c 52 s 6 are each amended to read
7 as follows:

8 The commission has power to create such advisory agencies and
9 conciliation councils, local, regional, or statewide, as in its
10 judgment will aid in effectuating the purposes of this chapter. The
11 commission may empower them to study the problems of discrimination
12 in all or specific fields of human relationships or in specific
13 instances of discrimination because of sex, race, creed, color,
14 national origin, citizenship or immigration status, vaccination or
15 immunity status, marital status, sexual orientation, age, honorably
16 discharged veteran or military status, or the presence of any
17 sensory, mental, or physical disability or the use of a trained dog
18 guide or service animal by a person with a disability; to foster
19 through community effort or otherwise good will, cooperation, and
20 conciliation among the groups and elements of the population of the
21 state, and to make recommendations to the commission for the
22 development of policies and procedures in general and in specific
23 instances, and for programs of formal and informal education which
24 the commission may recommend to the appropriate state agency.

25 Such advisory agencies and conciliation councils shall be
26 composed of representative citizens, serving without pay, but with
27 reimbursement for travel expenses in accordance with RCW 43.03.050
28 and 43.03.060 as now existing or hereafter amended, and the
29 commission may make provision for technical and clerical assistance
30 to such agencies and councils and for the expenses of such
31 assistance. The commission may use organizations specifically
32 experienced in dealing with questions of discrimination.

33 **Sec. 9.** RCW 49.60.175 and 2020 c 52 s 7 are each amended to read
34 as follows:

35 It shall be an unfair practice to use the sex, race, creed,
36 color, national origin, citizenship or immigration status,
37 vaccination or immunity status, marital status, honorably discharged
38 veteran or military status, sexual orientation, or the presence of

1 any sensory, mental, or physical disability of any person, or the use
2 of a trained dog guide or service animal by a person with a
3 disability, concerning an application for credit in any credit
4 transaction to determine the creditworthiness of an applicant.

5 **Sec. 10.** RCW 49.60.176 and 2020 c 52 s 8 are each amended to
6 read as follows:

7 (1) It is an unfair practice for any person whether acting for
8 himself, herself, or another in connection with any credit
9 transaction because of race, creed, color, national origin,
10 citizenship or immigration status, vaccination or immunity status,
11 sex, marital status, honorably discharged veteran or military status,
12 sexual orientation, or the presence of any sensory, mental, or
13 physical disability or the use of a trained dog guide or service
14 animal by a person with a disability:

15 (a) To deny credit to any person;

16 (b) To increase the charges or fees for or collateral required to
17 secure any credit extended to any person;

18 (c) To restrict the amount or use of credit extended or to impose
19 different terms or conditions with respect to the credit extended to
20 any person or any item or service related thereto;

21 (d) To attempt to do any of the unfair practices defined in this
22 section.

23 (2) Nothing in this section shall prohibit any party to a credit
24 transaction from considering the credit history of any individual
25 applicant.

26 (3) Further, nothing in this section shall prohibit any party to
27 a credit transaction from considering the application of the
28 community property law to the individual case or from taking
29 reasonable action thereon.

30 **Sec. 11.** RCW 49.60.178 and 2021 c 280 s 1 are each amended to
31 read as follows:

32 (1) It is an unfair practice for any person whether acting for
33 himself, herself, or another in connection with an insurance
34 transaction or transaction with a health maintenance organization to
35 cancel or fail or refuse to issue or renew insurance or a health
36 maintenance agreement to any person because of sex, marital status,
37 sexual orientation, race, creed, color, national origin, citizenship
38 or immigration status, vaccination or immunity status, or the

1 presence of any sensory, mental, or physical disability or the use of
2 a trained dog guide or service animal by a person with disabilities:
3 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
4 48.44.220, 48.46.370, or 48.43.0128 does not constitute an unfair
5 practice for the purposes of this section. For the purposes of this
6 section, "insurance transaction" is defined in RCW 48.01.060, health
7 maintenance agreement is defined in RCW 48.46.020, and "health
8 maintenance organization" is defined in RCW 48.46.020.

9 (2) The fact that such unfair practice may also be a violation of
10 chapter 48.30, 48.43, 48.44, or 48.46 RCW does not constitute a
11 defense to an action brought under this section.

12 (3) The insurance commissioner, under RCW 48.30.300 and
13 48.43.0128, and the human rights commission, under this chapter
14 (~~49.60 RCW~~), shall have concurrent jurisdiction under this section
15 and shall enter into a working agreement as to procedure to be
16 followed in complaints under this section.

17 **Sec. 12.** RCW 49.60.180 and 2020 c 52 s 10 are each amended to
18 read as follows:

19 It is an unfair practice for any employer:

20 (1) To refuse to hire any person because of age, sex, marital
21 status, sexual orientation, race, creed, color, national origin,
22 citizenship or immigration status, vaccination or immunity status,
23 honorably discharged veteran or military status, or the presence of
24 any sensory, mental, or physical disability or the use of a trained
25 dog guide or service animal by a person with a disability, unless
26 based upon a bona fide occupational qualification: PROVIDED, That the
27 prohibition against discrimination because of such disability shall
28 not apply if the particular disability prevents the proper
29 performance of the particular worker involved: PROVIDED, That this
30 section shall not be construed to require an employer to establish
31 employment goals or quotas based on sexual orientation.

32 (2) To discharge or bar any person from employment because of
33 age, sex, marital status, sexual orientation, race, creed, color,
34 national origin, citizenship or immigration status, vaccination or
35 immunity status, honorably discharged veteran or military status, or
36 the presence of any sensory, mental, or physical disability or the
37 use of a trained dog guide or service animal by a person with a
38 disability.

1 (3) To discriminate against any person in compensation or in
2 other terms or conditions of employment because of age, sex, marital
3 status, sexual orientation, race, creed, color, national origin,
4 citizenship or immigration status, vaccination or immunity status,
5 honorably discharged veteran or military status, or the presence of
6 any sensory, mental, or physical disability or the use of a trained
7 dog guide or service animal by a person with a disability: PROVIDED,
8 That it shall not be an unfair practice for an employer to segregate
9 washrooms or locker facilities on the basis of sex, or to base other
10 terms and conditions of employment on the sex of employees where the
11 commission by regulation or ruling in a particular instance has found
12 the employment practice to be appropriate for the practical
13 realization of equality of opportunity between the sexes.

14 (4) To print, or circulate, or cause to be printed or circulated
15 any statement, advertisement, or publication, or to use any form of
16 application for employment, or to make any inquiry in connection with
17 prospective employment, which expresses any limitation,
18 specification, or discrimination as to age, sex, marital status,
19 sexual orientation, race, creed, color, national origin, citizenship
20 or immigration status, vaccination or immunity status, honorably
21 discharged veteran or military status, or the presence of any
22 sensory, mental, or physical disability or the use of a trained dog
23 guide or service animal by a person with a disability, or any intent
24 to make any such limitation, specification, or discrimination, unless
25 based upon a bona fide occupational qualification: PROVIDED, Nothing
26 contained herein shall prohibit advertising in a foreign language.

27 **Sec. 13.** RCW 49.60.190 and 2020 c 52 s 11 are each amended to
28 read as follows:

29 It is an unfair practice for any labor union or labor
30 organization:

31 (1) To deny membership and full membership rights and privileges
32 to any person because of age, sex, marital status, sexual
33 orientation, race, creed, color, national origin, citizenship or
34 immigration status, vaccination or immunity status, honorably
35 discharged veteran or military status, or the presence of any
36 sensory, mental, or physical disability or the use of a trained dog
37 guide or service animal by a person with a disability.

38 (2) To expel from membership any person because of age, sex,
39 marital status, sexual orientation, race, creed, color, national

1 origin, citizenship or immigration status, vaccination or immunity
2 status, honorably discharged veteran or military status, or the
3 presence of any sensory, mental, or physical disability or the use of
4 a trained dog guide or service animal by a person with a disability.

5 (3) To discriminate against any member, employer, employee, or
6 other person to whom a duty of representation is owed because of age,
7 sex, marital status, sexual orientation, race, creed, color, national
8 origin, citizenship or immigration status, vaccination or immunity
9 status, honorably discharged veteran or military status, or the
10 presence of any sensory, mental, or physical disability or the use of
11 a trained dog guide or service animal by a person with a disability.

12 **Sec. 14.** RCW 49.60.200 and 2020 c 52 s 12 are each amended to
13 read as follows:

14 It is an unfair practice for any employment agency to fail or
15 refuse to classify properly or refer for employment, or otherwise to
16 discriminate against, an individual because of age, sex, marital
17 status, sexual orientation, race, creed, color, national origin,
18 citizenship or immigration status, vaccination or immunity status,
19 honorably discharged veteran or military status, or the presence of
20 any sensory, mental, or physical disability or the use of a trained
21 dog guide or service animal by a person with a disability, or to
22 print or circulate, or cause to be printed or circulated any
23 statement, advertisement, or publication, or to use any form of
24 application for employment, or to make any inquiry in connection with
25 prospective employment, which expresses any limitation, specification
26 or discrimination as to age, sex, race, sexual orientation, creed,
27 color, or national origin, citizenship or immigration status,
28 vaccination or immunity status, honorably discharged veteran or
29 military status, or the presence of any sensory, mental, or physical
30 disability or the use of a trained dog guide or service animal by a
31 person with a disability, or any intent to make any such limitation,
32 specification, or discrimination, unless based upon a bona fide
33 occupational qualification: PROVIDED, Nothing contained herein shall
34 prohibit advertising in a foreign language.

35 **Sec. 15.** RCW 49.60.215 and 2020 c 52 s 13 are each amended to
36 read as follows:

37 It shall be an unfair practice for any person or the person's
38 agent or employee to commit an act which directly or indirectly

1 results in any distinction, restriction, or discrimination, or the
2 requiring of any person to pay a larger sum than the uniform rates
3 charged other persons, or the refusing or withholding from any person
4 the admission, patronage, custom, presence, frequenting, dwelling,
5 staying, or lodging in any place of public resort, accommodation,
6 assemblage, or amusement, except for conditions and limitations
7 established by law and applicable to all persons, regardless of race,
8 creed, color, national origin, citizenship or immigration status,
9 vaccination or immunity status, sexual orientation, sex, honorably
10 discharged veteran or military status, status as a mother
11 breastfeeding her child, the presence of any sensory, mental, or
12 physical disability, or the use of a trained dog guide or service
13 animal by a person with a disability: PROVIDED, That this section
14 shall not be construed to require structural changes, modifications,
15 or additions to make any place accessible to a person with a
16 disability except as otherwise required by law: PROVIDED, That
17 behavior or actions constituting a risk to property or other persons
18 can be grounds for refusal and shall not constitute an unfair
19 practice.

20 **Sec. 16.** RCW 49.60.222 and 2020 c 52 s 14 are each amended to
21 read as follows:

22 (1) It is an unfair practice for any person, whether acting for
23 himself, herself, or another, because of sex, marital status, sexual
24 orientation, race, creed, color, national origin, citizenship or
25 immigration status, vaccination or immunity status, families with
26 children status, honorably discharged veteran or military status, the
27 presence of any sensory, mental, or physical disability, or the use
28 of a trained dog guide or service animal by a person with a
29 disability:

30 (a) To refuse to engage in a real estate transaction with a
31 person;

32 (b) To discriminate against a person in the terms, conditions, or
33 privileges of a real estate transaction or in the furnishing of
34 facilities or services in connection therewith;

35 (c) To refuse to receive or to fail to transmit a bona fide offer
36 to engage in a real estate transaction from a person;

37 (d) To refuse to negotiate for a real estate transaction with a
38 person;

1 (e) To represent to a person that real property is not available
2 for inspection, sale, rental, or lease when in fact it is so
3 available, or to fail to bring a property listing to his or her
4 attention, or to refuse to permit the person to inspect real
5 property;

6 (f) To discriminate in the sale or rental, or to otherwise make
7 unavailable or deny a dwelling, to any person; or to a person
8 residing in or intending to reside in that dwelling after it is sold,
9 rented, or made available; or to any person associated with the
10 person buying or renting;

11 (g) To make, print, circulate, post, or mail, or cause to be so
12 made or published a statement, advertisement, or sign, or to use a
13 form of application for a real estate transaction, or to make a
14 record or inquiry in connection with a prospective real estate
15 transaction, which indicates, directly or indirectly, an intent to
16 make a limitation, specification, or discrimination with respect
17 thereto;

18 (h) To offer, solicit, accept, use, or retain a listing of real
19 property with the understanding that a person may be discriminated
20 against in a real estate transaction or in the furnishing of
21 facilities or services in connection therewith;

22 (i) To expel a person from occupancy of real property;

23 (j) To discriminate in the course of negotiating, executing, or
24 financing a real estate transaction whether by mortgage, deed of
25 trust, contract, or other instrument imposing a lien or other
26 security in real property, or in negotiating or executing any item or
27 service related thereto including issuance of title insurance,
28 mortgage insurance, loan guarantee, or other aspect of the
29 transaction. Nothing in this section shall limit the effect of RCW
30 49.60.176 relating to unfair practices in credit transactions; or

31 (k) To attempt to do any of the unfair practices defined in this
32 section.

33 (2) For the purposes of this chapter discrimination based on the
34 presence of any sensory, mental, or physical disability or the use of
35 a trained dog guide or service animal by a person who is blind, deaf,
36 or physically disabled includes:

37 (a) A refusal to permit, at the expense of the person with a
38 disability, reasonable modifications of existing premises occupied or
39 to be occupied by such person if such modifications may be necessary
40 to afford such person full enjoyment of the dwelling, except that, in

1 the case of a rental, the landlord may, where it is reasonable to do
2 so, condition permission for a modification on the renter agreeing to
3 restore the interior of the dwelling to the condition that existed
4 before the modification, reasonable wear and tear excepted;

5 (b) To refuse to make reasonable accommodation in rules,
6 policies, practices, or services when such accommodations may be
7 necessary to afford a person with the presence of any sensory,
8 mental, or physical disability and/or the use of a trained dog guide
9 or service animal by a person who is blind, deaf, or physically
10 disabled equal opportunity to use and enjoy a dwelling; or

11 (c) To fail to design and construct covered multifamily dwellings
12 and premises in conformance with the federal fair housing amendments
13 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable
14 laws or regulations pertaining to access by persons with any sensory,
15 mental, or physical disability or use of a trained dog guide or
16 service animal. Whenever the requirements of applicable laws or
17 regulations differ, the requirements which require greater
18 accessibility for persons with any sensory, mental, or physical
19 disability shall govern.

20 Nothing in (a) or (b) of this subsection shall apply to: (i) A
21 single-family house rented or leased by the owner if the owner does
22 not own or have an interest in the proceeds of the rental or lease of
23 more than three such single-family houses at one time, the rental or
24 lease occurred without the use of a salesperson, or a broker as
25 defined in RCW 18.85.011, and the rental or lease occurred without
26 the publication, posting, or mailing of any advertisement, sign, or
27 statement in violation of subsection (1)(g) of this section; or (ii)
28 rooms or units in dwellings containing living quarters occupied or
29 intended to be occupied by no more than four families living
30 independently of each other if the owner maintains and occupies one
31 of the rooms or units as his or her residence.

32 (3) Notwithstanding any other provision of this chapter, it shall
33 not be an unfair practice or a denial of civil rights for any public
34 or private educational institution to separate the sexes or give
35 preference to or limit use of dormitories, residence halls, or other
36 student housing to persons of one sex or to make distinctions on the
37 basis of marital or families with children status.

38 (4) Except pursuant to subsection (2)(a) of this section, this
39 section shall not be construed to require structural changes,
40 modifications, or additions to make facilities accessible to a person

1 with a disability except as otherwise required by law. Nothing in
2 this section affects the rights, responsibilities, and remedies of
3 landlords and tenants pursuant to chapter 59.18 or 59.20 RCW,
4 including the right to post and enforce reasonable rules of conduct
5 and safety for all tenants and their guests, provided that chapters
6 59.18 and 59.20 RCW are only affected to the extent they are
7 inconsistent with the nondiscrimination requirements of this chapter.
8 Nothing in this section limits the applicability of any reasonable
9 federal, state, or local restrictions regarding the maximum number of
10 occupants permitted to occupy a dwelling.

11 (5) Notwithstanding any other provision of this chapter, it shall
12 not be an unfair practice for any public establishment providing for
13 accommodations offered for the full enjoyment of transient guests as
14 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of
15 families with children status. Nothing in this section shall limit
16 the effect of RCW 49.60.215 relating to unfair practices in places of
17 public accommodation.

18 (6) Nothing in this chapter prohibiting discrimination based on
19 families with children status applies to housing for older persons as
20 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
21 Sec. 3607(b)(1) through (3), as amended by the housing for older
22 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.
23 Nothing in this chapter authorizes requirements for housing for older
24 persons different than the requirements in the federal fair housing
25 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
26 amended by the housing for older persons act of 1995, P.L. 104-76, as
27 enacted on December 28, 1995.

28 (7) Nothing in this chapter shall apply to real estate
29 transactions involving the sharing of a dwelling unit, or rental or
30 sublease of a portion of a dwelling unit, when the dwelling unit is
31 to be occupied by the owner or sublessor. For purposes of this
32 section, "dwelling unit" has the same meaning as in RCW 59.18.030.

33 **Sec. 17.** RCW 49.60.223 and 2020 c 52 s 15 are each amended to
34 read as follows:

35 It is an unfair practice for any person, for profit, to induce or
36 attempt to induce any person to sell or rent any real property by
37 representations regarding the entry or prospective entry into the
38 neighborhood of a person or persons of a particular race, creed,
39 color, sex, national origin, citizenship or immigration status,

1 vaccination or immunity status, sexual orientation, families with
2 children status, honorably discharged veteran or military status, or
3 with any sensory, mental, or physical disability and/or the use of a
4 trained dog guide or service animal by a person who is blind, deaf,
5 or physically disabled.

6 **Sec. 18.** RCW 49.60.224 and 2020 c 52 s 16 are each amended to
7 read as follows:

8 (1) Every provision in a written instrument relating to real
9 property which purports to forbid or restrict the conveyance,
10 encumbrance, occupancy, or lease thereof to individuals of a
11 specified race, creed, color, sex, national origin, citizenship or
12 immigration status, vaccination or immunity status, sexual
13 orientation, families with children status, honorably discharged
14 veteran or military status, or with any sensory, mental, or physical
15 disability or the use of a trained dog guide or service animal by a
16 person who is blind, deaf, or physically disabled, and every
17 condition, restriction, or prohibition, including a right of entry or
18 possibility of reverter, which directly or indirectly limits the use
19 or occupancy of real property on the basis of race, creed, color,
20 sex, national origin, citizenship or immigration status, vaccination
21 or immunity status, sexual orientation, families with children
22 status, honorably discharged veteran or military status, or the
23 presence of any sensory, mental, or physical disability or the use of
24 a trained dog guide or service animal by a person who is blind, deaf,
25 or physically disabled is void.

26 (2) It is an unfair practice to insert in a written instrument
27 relating to real property a provision that is void under this section
28 or to honor or attempt to honor such a provision in the chain of
29 title.

30 **Sec. 19.** RCW 49.60.225 and 2020 c 52 s 17 are each amended to
31 read as follows:

32 (1) When a reasonable cause determination has been made under RCW
33 49.60.240 that an unfair practice in a real estate transaction has
34 been committed and a finding has been made that the respondent has
35 engaged in any unfair practice under RCW 49.60.250, the
36 administrative law judge shall promptly issue an order for such
37 relief suffered by the aggrieved person as may be appropriate, which
38 may include actual damages as provided by the federal fair housing

1 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), and injunctive
2 or other equitable relief. Such order may, to further the public
3 interest, assess a civil penalty against the respondent:

4 (a) In an amount up to ten thousand dollars if the respondent has
5 not been determined to have committed any prior unfair practice in a
6 real estate transaction;

7 (b) In an amount up to twenty-five thousand dollars if the
8 respondent has been determined to have committed one other unfair
9 practice in a real estate transaction during the five-year period
10 ending on the date of the filing of this charge; or

11 (c) In an amount up to fifty thousand dollars if the respondent
12 has been determined to have committed two or more unfair practices in
13 a real estate transaction during the seven-year period ending on the
14 date of the filing of this charge, for loss of the right secured by
15 RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224,
16 as now or hereafter amended, to be free from discrimination in real
17 property transactions because of sex, marital status, race, creed,
18 color, national origin, citizenship or immigration status,
19 vaccination or immunity status, sexual orientation, families with
20 children status, honorably discharged veteran or military status, or
21 the presence of any sensory, mental, or physical disability or the
22 use of a trained dog guide or service animal by a person who is
23 blind, deaf, or physically disabled. Enforcement of the order and
24 appeal therefrom by the complainant or respondent may be made as
25 provided in RCW 49.60.260 and 49.60.270. If acts constituting the
26 unfair practice in a real estate transaction that is the object of
27 the charge are determined to have been committed by the same natural
28 person who has been previously determined to have committed acts
29 constituting an unfair practice in a real estate transaction, then
30 the civil penalty of up to fifty thousand dollars may be imposed
31 without regard to the period of time within which any subsequent
32 unfair practice in a real estate transaction occurred. All civil
33 penalties assessed under this section shall be paid into the state
34 treasury and credited to the general fund.

35 (2) Such order shall not affect any contract, sale, conveyance,
36 encumbrance, or lease consummated before the issuance of an order
37 that involves a bona fide purchaser, encumbrancer, or tenant who does
38 not have actual notice of the charge filed under this chapter.

1 (3) Notwithstanding any other provision of this chapter, persons
2 awarded damages under this section may not receive additional damages
3 pursuant to RCW 49.60.250.

4 **Sec. 20.** RCW 49.60.405 and 2020 c 52 s 3 are each amended to
5 read as follows:

6 It is not an unfair practice when a distinction or differential
7 treatment on the basis of citizenship or immigration status or
8 vaccine or immunity status is authorized by federal or state law,
9 regulation, rule, or government contract.

10 **Sec. 21.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
11 read as follows:

12 (1) The attendance of every child at every public and private
13 school in the state and licensed day care center shall be conditioned
14 upon the presentation before or on each child's first day of
15 attendance at a particular school or center, of proof of either (a)
16 full immunization, (b) the initiation of and compliance with a
17 schedule of immunization, as required by rules of the state board of
18 health, or (c) a certificate of exemption as provided for in RCW
19 28A.210.090. The attendance at the school or the day care center
20 during any subsequent school year of a child who has initiated a
21 schedule of immunization shall be conditioned upon the presentation
22 of proof of compliance with the schedule on the child's first day of
23 attendance during the subsequent school year. Once proof of full
24 immunization or proof of completion of an approved schedule has been
25 presented, no further proof shall be required as a condition to
26 attendance at the particular school or center.

27 (2)(a) Beginning with sixth grade entry, every public and private
28 school in the state shall provide parents and guardians with
29 information about meningococcal disease and its vaccine at the
30 beginning of every school year. The information about meningococcal
31 disease shall include:

32 (i) Its causes and symptoms, how meningococcal disease is spread,
33 and the places where parents and guardians may obtain additional
34 information and vaccinations for their children; and

35 (ii) Current recommendations from the United States centers for
36 disease control and prevention regarding the receipt of vaccines for
37 meningococcal disease and where the vaccination can be received.

1 (b) This subsection shall not be construed to require the
2 department of health or the school to provide meningococcal
3 vaccination to students.

4 (c) The department of health shall prepare the informational
5 materials and shall consult with the office of superintendent of
6 public instruction.

7 (d) This subsection does not create a private right of action.

8 (3)(a) Beginning with sixth grade entry, every public school in
9 the state shall provide parents and guardians with information about
10 human papillomavirus disease and its vaccine at the beginning of
11 every school year. The information about human papillomavirus disease
12 shall include:

13 (i) Its causes and symptoms, how human papillomavirus disease is
14 spread, and the places where parents and guardians may obtain
15 additional information and vaccinations for their children; and

16 (ii) Current recommendations from the United States centers for
17 disease control and prevention regarding the receipt of vaccines for
18 human papillomavirus disease and where the vaccination can be
19 received.

20 (b) This subsection shall not be construed to require the
21 department of health or the school to provide human papillomavirus
22 vaccination to students.

23 (c) The department of health shall prepare the informational
24 materials and shall consult with the office of the superintendent of
25 public instruction.

26 (d) This subsection does not create a private right of action.

27 (4) Private schools are required by state law to notify parents
28 that information on the human papillomavirus disease prepared by the
29 department of health is available.

30 (5) Any immunization approved by the United States food and drug
31 administration only for emergency use may not be required for
32 attendance at a public or private school in the state or licensed day
33 care center.

34 NEW SECTION. **Sec. 22.** This act may be known and cited as the
35 medical freedom act.

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