

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2266

68th Legislature
2024 Regular Session

Passed by the House March 5, 2024
Yeas 78 Nays 18

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2266** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2266

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By Representatives Stonier, Berry, Leavitt, Davis, Alvarado, Ramel, Peterson, Doglio, Ormsby, Fosse, Morgan, Simmons, and Macri

Read first time 01/10/24. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to addressing sanitary conditions for
2 construction workers who menstruate or express milk; adding a new
3 section to chapter 49.17 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** In addition to the primary safety and
6 health hazards faced by all construction workers, there are safety
7 and health issues specific to construction workers who menstruate
8 and/or express milk. As an ongoing effort to address labor shortages
9 in the construction industry, as well as to continue recruiting and
10 retaining underrepresented workers in the construction trades, the
11 legislature intends to address some of the basic barriers faced by
12 these construction workers.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17
14 RCW to read as follows:

15 (1) The director shall adopt rules, pursuant to this section, to
16 address safety and health issues specific to workers performing
17 construction activities who menstruate or express milk, or both. The
18 rules must be included in the rules governing construction safety
19 standards and must be applicable only to employers in the
20 construction industry.

1 (2) The rules adopted pursuant to this section must require
2 employers in the construction industry to provide workers, performing
3 construction activities and who menstruate, with:

4 (a) A minimum size bathroom, accessible on the worksite, that is
5 equivalent to a standard sized portable chemical toilet, or access to
6 a permanent structure with a bathroom. The bathroom must have an
7 internal latch to be secured from inadvertent entry;

8 (b) Adequate time to accommodate for multiple layers of clothing
9 while using the bathroom; and

10 (c) An adequate and convenient supply of menstrual hygiene
11 products available at no cost to the workers. Menstrual hygiene
12 products must either be located in all gender-neutral bathrooms and
13 bathrooms designated for workers who menstruate, or provided in kits
14 for each worker who needs such product.

15 (3) The rules adopted pursuant to this section must require
16 employers in the construction industry to provide reasonable
17 accommodations for workers performing construction activities to
18 express milk. The department must identify minimum reasonable
19 accommodations that include alternatives for worksites of varying
20 numbers of employees. Reasonable accommodations means providing:

21 (a) Flexible work scheduling, including scheduling breaks and
22 permitting work patterns that provide time for the expression of
23 milk;

24 (b) A location, other than a bathroom, that is convenient and
25 sanitary for the worker to express milk. The location must be private
26 and lockable, if possible, and free from intrusion;

27 (c) Convenient hygienic refrigeration on the worksite for the
28 storage of milk; and

29 (d) A convenient water source for the worker to clean and wash
30 hands and milk expression equipment. The water source must be in a
31 private location near the location where milk is expressed.

32 (4) On multi-employer worksites, each employer is responsible for
33 ensuring that facilities for their own workers are provided.

34 (5)(a) Until thirty days after the date the department's adopted
35 rule is filed with the code reviser, or July 1, 2025, whichever date
36 is later, the department may not impose any monetary penalties for
37 violations of this section. This subsection does not prohibit the
38 department from receiving complaints, conducting inspections, issuing
39 citations with no assessed penalty, and fixing reasonable time for
40 abatement of the violation.

1 (b) When the department's final rules under this section are
2 published by the code reviser in the State Register, the department,
3 in partnership with relevant labor organizations and the office of
4 minority and women's business enterprises, shall conduct educational
5 outreach to construction employers on the rights and responsibilities
6 established in this section.

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