

2 **SB 5474** - H COMM AMD **ADOPTED 4-17-93**

3 By Committee on Judiciary

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5 On page 3, after line 32, strike everything through "chapter 19.86  
6 RCW." on page 4, line 6 and insert the following subsection:

7 "(3) ((Notwithstanding any other provisions of this chapter, any  
8 act)) Except for any unfair practice committed by an employer against  
9 an employee or a prospective employee, or any unfair practice in a real  
10 estate transaction which is the basis for relief specified in the  
11 amendments to RCW 49.60.225 contained in chapter . . . (House Bill 1476  
12 section 9) Laws of 1993, any unfair practice prohibited by this chapter  
13 ((related to sex discrimination or discriminatory boycotts or  
14 blacklists)) which is committed in the course of trade or commerce ((in  
15 the state of Washington)) as defined in the Consumer Protection Act,  
16 chapter 19.86 RCW, ((shall be deemed an unfair practice within the  
17 meaning of RCW 19.86.020 and 19.86.030 and subject to all the  
18 provisions of chapter 19.86 RCW as now or hereafter amended)) is, for  
19 the purpose of applying that chapter, a matter affecting the public  
20 interest, is not reasonable in relation to the development and  
21 preservation of business, and is an unfair or deceptive act in trade or  
22 commerce."

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26 On page 5, line 34, after "institution" insert "; nor shall  
27 anything contained in this definition apply to any newspaper or other  
28 advertising media when selling or publishing advertisements"

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32 On page 6, after line 15, insert the following new section:

1        "NEW SECTION.   **Sec. 5.** A new section is added to chapter 49.60 RCW  
2 to read as follows:

3        (1) For purposes of the term "disability" as used in this chapter,  
4 homosexuality and bisexuality are not impairments and as such are not  
5 disabilities under this act. Under this chapter, the term "disability"  
6 shall not include:

7        (a) Transvestism, transsexualism, pedophilia, exhibitionism,  
8 voyeurism, gender identity disorders not resulting from physical  
9 impairments, or other sexual behavior disorders;

10       (b) Compulsive gambling, kleptomania, or pyromania; or

11       (c) Psychoactive substance use disorders resulting from current  
12 illegal use of drugs.

13       (2)(a) For purposes of this chapter, a person who is currently  
14 engaging in the illegal use of drugs, when the covered entity acts on  
15 the basis of such use, shall not be considered to have a disability.

16       (b) Nothing in (a) of this subsection may be construed to exclude  
17 as an individual with a disability an individual who:

18       (i) Has successfully completed a supervised drug rehabilitation  
19 program and is no longer engaging in the illegal use of drugs, or has  
20 otherwise been rehabilitated successfully and is no longer engaging in  
21 such use;

22       (ii) Is participating in a supervised rehabilitation program and is  
23 no longer engaging in such use; or

24       (iii) Is erroneously regarded as engaging in such use, but is not  
25 engaging in such use;

26 except that it shall not be a violation of this chapter for a covered  
27 entity to adopt or administer reasonable policies or procedures,  
28 including but not limited to drug testing, designed to ensure that an  
29 individual described in (b) (i) or (ii) of this subsection is no longer  
30 engaging in the illegal use of drugs; however, nothing in this section  
31 may be construed to encourage, prohibit, restrict, or authorize the  
32 conducting of testing for the illegal use of drugs."

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4 On page 18, line 8, after "frivolous" strike "~~((~~or~~))~~ or unreasonable  
5 (~~((~~groundless~~))~~)" and insert ", unreasonable, or groundless"

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