

**ESSB 5186** - H COMM AMD

By Committee on State Government & Tribal Relations

**ADOPTED 04/05/2023**

1 Strike everything after the enacting clause and insert the  
2 following:

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

5 (1) After January 1, 2024, any contractor, including  
6 subcontractors, with the state for public works or for goods or  
7 services is subject to the nondiscrimination requirements of this  
8 section and any rules and regulations to implement it.

9 (2) Every state contract and subcontract for public works or for  
10 goods or services must contain a nondiscrimination clause prohibiting  
11 discrimination on the bases enumerated in subsection (3) of this  
12 section. The nondiscrimination clause must contain a provision  
13 requiring contractors and subcontractors to give written notice of  
14 their obligations under that clause to labor organizations with which  
15 they have a collective bargaining or other agreement.

16 (3) The antidiscrimination clauses required by this section must  
17 prohibit any covered contractor or subcontractor from:

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

30 (b) Discharging or barring any person from employment because of  
31 age, sex, marital status, sexual orientation, gender identity, race,  
32 creed, color, national origin, citizenship or immigration status,

1 honorably discharged veteran or military status, the presence of any  
2 sensory, mental, or physical disability, or the use of a trained dog  
3 guide or service animal by a person with a disability;

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

17 (d) Printing or circulating, or causing to be printed or  
18 circulated, any statement, advertisement, or publication, or to use  
19 any form of application for employment, or to make any inquiry in  
20 connection with prospective employment, which expresses any  
21 limitation, specification, or discrimination as to age, sex, marital  
22 status, sexual orientation, gender identity, race, creed, color,  
23 national origin, citizenship or immigration status, honorably  
24 discharged veteran or military status, or the presence of any  
25 sensory, mental, or physical disability, the use of a trained dog  
26 guide or service animal by a person with a disability, or any intent  
27 to make any such limitation, specification, or discrimination, unless  
28 based upon a bona fide occupational qualification: PROVIDED, That  
29 nothing contained herein shall prohibit advertising in a foreign  
30 language.

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

36 **Sec. 2.** RCW 39.26.245 and 2010 c 5 s 6 are each amended to read  
37 as follows:

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

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

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

10 **Sec. 3.** RCW 39.04.160 and 1983 c 120 s 11 are each amended to  
11 read as follows:

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

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

18 Correct the title.

EFFECT: Removes reference to prospective contractors from the  
list of entities subject to the nondiscrimination contract  
requirements under the act.

Requires the Department of Enterprise Services, in collaboration  
with other specified agencies, to develop standard template contract  
provisions, rather than template contracts, that meet the  
requirements under the act.

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