

EHB 2266 - S AMD 751  
By Senator Keiser

ADOPTED 02/27/2024

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

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

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

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

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

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

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

28 (c) An adequate and convenient supply of menstrual hygiene  
29 products available at no cost to the workers. Menstrual hygiene  
30 products must either be located in all gender-neutral bathrooms and

1 bathrooms designated for workers who menstruate, or provided in kits  
2 for each worker who needs such product.

3 (3) The rules adopted pursuant to this section must require  
4 employers in the construction industry to provide reasonable  
5 accommodations for workers performing construction activities to  
6 express milk. The department must identify minimum reasonable  
7 accommodations that include alternatives for worksites of varying  
8 numbers of employees. Reasonable accommodations means providing:

9 (a) Flexible work scheduling, including scheduling breaks and  
10 permitting work patterns that provide time for the expression of  
11 milk;

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

15 (c) Convenient hygienic refrigeration on the worksite for the  
16 storage of milk; and

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

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

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

29 (b) When the department's final rules under this section are  
30 published by the code reviser in the State Register, the department,  
31 in partnership with relevant labor organizations and the office of  
32 minority and women's business enterprises, shall conduct educational  
33 outreach to construction employers on the rights and responsibilities  
34 established in this section."

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1        On page 1, line 2 of the title, after "milk;" strike the  
2 remainder of the title and insert "adding a new section to chapter  
3 49.17 RCW; and creating a new section."

EFFECT: (1) Removes the term "reasonable accommodations" for the rules for workers performing construction activities and who menstruate.

(2) Requires that for the Department of Labor and Industries' (L&I) rules for workers performing construction activities and expressing milk, L&I must identify minimum reasonable accommodations that include alternatives for worksites of varying number of employees. Provides that for reasonable accommodations, the location to express milk must be lockable, if possible (rather than lockable).

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