
ENGROSSED HOUSE BILL 2266

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 reasonable
3 accommodations for workers performing construction activities who
4 menstruate. Reasonable accommodations means providing:

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

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

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

16 (3) The rules adopted pursuant to this section must require
17 employers in the construction industry to provide reasonable
18 accommodations for workers performing construction activities to
19 express milk. Reasonable accommodations means providing:

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

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

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

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

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

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

--- END ---