
SUBSTITUTE SENATE BILL 5171

State of Washington

68th Legislature

2023 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dhingra, Trudeau, Hunt, Lovelett, Cleveland, Keiser, C. Wilson, Hasegawa, Saldaña, Conway, Frame, Kuderer, Nguyen, Nobles, Pedersen, Stanford, Valdez, and Wellman)

READ FIRST TIME 01/20/23.

1 AN ACT Relating to consumer gender discrimination; and adding a
2 new chapter to Title 19 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) A person, firm, partnership, company,
5 corporation, or business shall not charge a different price for any
6 two goods that are substantially similar if those goods are priced
7 differently based on the gender of the individuals for whom the goods
8 are marketed and intended.

9 (2) This section does not prohibit price differences in goods or
10 services based specifically upon any of the following:

11 (a) The amount of time it took to manufacture those goods;

12 (b) The difficulty in manufacturing those goods;

13 (c) The cost incurred in manufacturing those goods;

14 (d) The labor used in manufacturing those goods;

15 (e) The materials used in manufacturing those goods; or

16 (f) Any other gender-neutral reason for charging a different
17 price for those goods.

18 (3)(a) Notwithstanding any other law, whenever the attorney
19 general has cause to believe that a violation of this section has
20 occurred, the attorney general may, upon notice to the defendant of

1 not less than five days, petition the court for an order to enjoin
2 and restrain the continuance of those violations.

3 (b) If a court finds that the defendant has violated this
4 section, an injunction may be issued by the court enjoining or
5 restraining any violation, without requiring proof that any person
6 has, in fact, been injured or damaged thereby. The court may require
7 the defendant to make direct restitution, if applicable. In
8 connection with the proposed application for an injunction, the
9 attorney general is authorized to conduct an investigation under this
10 chapter and make a determination of the relevant facts in support of
11 a petition for an injunction.

12 (4) For purposes of this section:

13 (a) "Business" means any business acting within the state of
14 Washington that sells goods to any individual or entity including,
15 but not limited to, retailers, suppliers, manufacturers, and
16 distributors.

17 (b) "Goods" means any consumer products used, bought, or rendered
18 primarily for personal, family, or household purposes.

19 (c) (i) "Substantially similar" means two goods that exhibit no
20 substantial difference in:

21 (A) The materials used in production;

22 (B) The intended use of the good;

23 (C) The functional design of and features of the good;

24 (D) The brand of the good.

25 (ii) A difference in coloring among any of the goods shall not be
26 construed as a substantial difference for the purposes of this
27 subsection.

28 (5) The legislature finds that the acts or practices covered by
29 this section are matters vitally affecting the public interest for
30 the purposes of applying the consumer protection act, chapter 19.86
31 RCW. A violation of this section is not reasonable in relation to the
32 development and preservation of business and is an unfair or
33 deceptive act in trade or commerce and an unfair method of
34 competition for the purpose of applying the consumer protection act,
35 chapter 19.86 RCW.

36 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
37 chapter in Title 19 RCW.

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