

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5186

Chapter 468, Laws of 2023

68th Legislature
2023 Regular Session

PUBLIC CONTRACTS—ANTIDISCRIMINATION CLAUSES

EFFECTIVE DATE: July 23, 2023

Passed by the Senate April 14, 2023
Yeas 46 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 5, 2023
Yeas 98 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 15, 2023 3:18 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5186** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 16, 2023

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5186

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Lias, Billig, Dhingra, Hunt, Keiser, Lovick, Nguyen, Nobles, Stanford, Valdez, Wellman, and C. Wilson)

READ FIRST TIME 02/15/23.

1 AN ACT Relating to requiring antidiscrimination clauses in public
2 contracting; amending RCW 39.26.245 and 39.04.160; and adding a new
3 section to chapter 49.60 RCW.

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

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

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

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

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

20 (a) Refusing to hire any person because of age, sex, marital
21 status, sexual orientation, gender identity, race, creed, color,

1 national origin, citizenship or immigration status, honorably
2 discharged veteran or military status, the presence of any sensory,
3 mental, or physical disability, or the use of a trained dog guide or
4 service animal by a person with a disability, unless based upon a
5 bona fide occupational qualification: PROVIDED, That the prohibition
6 against discrimination because of such disability shall not apply if
7 the particular disability prevents the proper performance of the
8 particular worker involved: PROVIDED, That this section shall not be
9 construed to require an employer to establish employment goals or
10 quotas based on sexual orientation;

11 (b) Discharging or barring any person from employment because of
12 age, sex, marital status, sexual orientation, gender identity, race,
13 creed, color, national origin, citizenship or immigration status,
14 honorably discharged veteran or military status, the presence of any
15 sensory, mental, or physical disability, or the use of a trained dog
16 guide or service animal by a person with a disability;

17 (c) Discriminating against any person in compensation or in other
18 terms or conditions of employment 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, the use of a trained dog guide or
23 service animal by a person with a disability: PROVIDED, That it shall
24 not be an unfair practice for an employer to segregate washrooms or
25 locker facilities on the basis of sex, or to base other terms and
26 conditions of employment on the sex of employees where the commission
27 by regulation or ruling in a particular instance has found the
28 employment practice to be appropriate for the practical realization
29 of equality of opportunity between the sexes; or

30 (d) Printing or circulating, or causing to be printed or
31 circulated, any statement, advertisement, or publication, or to use
32 any form of application for employment, or to make any inquiry in
33 connection with prospective employment, which expresses any
34 limitation, specification, or discrimination as to age, sex, marital
35 status, sexual orientation, gender identity, race, creed, color,
36 national origin, citizenship or immigration status, honorably
37 discharged veteran or military status, or the presence of any
38 sensory, mental, or physical disability, the use of a trained dog
39 guide or service animal by a person with a disability, or any intent
40 to make any such limitation, specification, or discrimination, unless

1 based upon a bona fide occupational qualification: PROVIDED, That
2 nothing contained herein shall prohibit advertising in a foreign
3 language.

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

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

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

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

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

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

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

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

Passed by the Senate April 14, 2023.
Passed by the House April 5, 2023.
Approved by the Governor May 15, 2023.
Filed in Office of Secretary of State May 16, 2023.

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