

**E2SSB 5217** - H COMM AMD

By Committee on Labor & Workplace Standards

**ADOPTED 04/14/2025**

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

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 otherwise.

6 (1) "Department" means the department of labor and industries.

7 (2) "Director" means the director of the department of labor and  
8 industries or authorized representative.

9 (3) "Employee" means an employee who is employed in the business  
10 of the employee's employer whether by way of manual labor or  
11 otherwise.

12 (4) "Employer" has the same meaning and must be interpreted  
13 consistent with how that term is defined in RCW 49.60.040, except  
14 that for the purposes of this chapter only, "employer" includes any  
15 employer who employs one or more persons and any religious or  
16 sectarian organization not organized for private profit.

17 (5) "Pregnancy" includes the employee's pregnancy and pregnancy-  
18 related health conditions, including the need to express breast milk.

19 (6) "Reasonable accommodation" means:

20 (a) Providing more frequent, longer, or flexible restroom breaks;

21 (b) Modifying a no food or drink policy;

22 (c) Job restructuring, part-time or modified work schedules,  
23 reassignment to a vacant position, or acquiring or  
24 modifying equipment, devices, or an employee's work station;

25 (d) Providing seating or allowing the employee to sit more  
26 frequently if the employee's job requires the employee to stand;

27 (e) Providing for a temporary transfer to a less strenuous or  
28 less hazardous position;

29 (f) Providing assistance with manual labor and limits on lifting;

30 (g) Scheduling flexibility for prenatal and postpartum visits;

31 (h) Providing reasonable break time for an employee to express  
32 breast milk for two years after the child's birth each time the

1 employee has a need to express milk and providing a private location,  
2 other than a bathroom, if such a location exists at the place of  
3 business or worksite, which may be used by the employee to express  
4 breast milk. If the business location does not have a space for the  
5 employee to express milk, the employer shall work with the employee  
6 to identify a convenient location and work schedule to accommodate  
7 their needs; and

8 (i) Any further pregnancy accommodation an employee may request,  
9 and to which an employer must give reasonable consideration in  
10 consultation with information provided on pregnancy accommodation by  
11 the department or the attending health care provider of the employee.

12 (7) "Undue hardship" means an action requiring significant  
13 difficulty or expense. An employer may not claim undue hardship for  
14 the accommodations under subsection (6)(a), (b), and (d) of this  
15 section, or for limits on lifting over 17 pounds.

16 NEW SECTION. **Sec. 2.** (1) It is an unfair practice for any  
17 employer to:

18 (a) Fail or refuse to make reasonable accommodation for an  
19 employee for pregnancy, unless the employer can demonstrate that  
20 doing so would impose an undue hardship on the employer's program,  
21 enterprise, or business;

22 (b) Take adverse action against an employee who requests,  
23 declines, or uses an accommodation under this section that affects  
24 the terms, conditions, or privileges of employment;

25 (c) Deny employment opportunities to an otherwise qualified  
26 employee if such denial is based on the employer's need to make  
27 reasonable accommodation required by this section;

28 (d) Require an employee to take leave if another reasonable  
29 accommodation can be provided for the employee's pregnancy.

30 (2) An employer may request that the employee provide written  
31 certification from the employee's treating health care professional  
32 regarding the need for reasonable accommodation, except for  
33 accommodations listed in section 1(6)(h) and section 8 of this act.

34 (3)(a) This chapter does not require an employer to create  
35 additional employment that the employer would not otherwise have  
36 created, unless the employer does so or would do so for other classes  
37 of employees who need accommodation.

38 (b) This chapter does not require an employer to discharge any  
39 employee, transfer any employee with more seniority, or promote any

1 employee who is not qualified to perform the job, unless the employer  
2 does so or would do so to accommodate other classes of employees who  
3 need accommodation.

4 (4) Any break time and any time traveling to a location,  
5 identified by the employer and employee as provided in section  
6 1(6)(h) of this act, to express milk must be paid to the employee at  
7 the employee's regular compensation rate. An employee must not be  
8 required to use paid leave during break or travel time to express  
9 milk during work. Any break time to express milk is in addition to  
10 meal and rest periods under chapter 49.12 RCW.

11 (5) The department must provide online education materials  
12 explaining the respective rights and responsibilities of employers  
13 and employees who have a health condition related to pregnancy or  
14 childbirth. The online education materials must be prominently  
15 displayed on the department's website.

16 NEW SECTION. **Sec. 3.** (1) The department shall investigate  
17 complaints and enforce this chapter. Prior to issuing any order under  
18 this subsection, the department must first contact the employer and  
19 attempt in good faith to reach agreement on reasonable accommodation  
20 or interim accommodation. If the department and the employer are  
21 unable to reach agreement, the department may issue a temporary order  
22 immediately restraining any such condition, practice, method,  
23 process, or means in the workplace that violates any provision of  
24 this chapter. This temporary order may be in effect no longer than 90  
25 calendar days. To extend the order beyond 90 calendar days, the  
26 department must seek a restraining order, or other such relief as  
27 appears appropriate under the circumstances, in the superior court of  
28 the county wherein such condition of employment or practice exists.

29 (2) In addition to the complaint process with the department, any  
30 person believed to have been injured by a violation of this chapter  
31 has a civil cause of action in court to enjoin further violations, or  
32 to recover the actual damages sustained by the person, or both,  
33 together with the cost of suit and reasonable attorneys' fees or any  
34 other appropriate remedy authorized by state or federal law.

35 (3) This section does not preempt, limit, diminish, or otherwise  
36 affect any other provision of law relating to sex discrimination or  
37 pregnancy, or in any way diminish or limit legal protections or  
38 coverage for pregnancy, childbirth, or pregnancy-related health  
39 conditions.

1 (4) The department may assess civil penalties for a violation of  
2 this chapter. For a violation of the accommodation described in  
3 section 1(6)(h) of this act, the department may assess a civil  
4 penalty under this chapter or RCW 49.17.530, but may not assess  
5 duplicative penalties for the same violation.

6 NEW SECTION. **Sec. 4.** (1) The department must adopt rules for  
7 purposes of implementing and enforcing this chapter including, but  
8 not limited to, rules establishing processes for enforcement and  
9 appeals of citations issued, and rules concerning the collection of  
10 civil penalties and other amounts owed. The rules must be at least  
11 equal to enforcement of the protections provided by chapter 49.46  
12 RCW.

13 (2) The department must deposit all civil penalties paid under  
14 this chapter in the supplemental pension fund established under RCW  
15 51.44.033.

16 NEW SECTION. **Sec. 5.** (1) The provisions of RCW 43.10.005 as  
17 they existed immediately prior to January 1, 2027, apply to employee  
18 and employer conduct, acts, or omissions occurring on or before  
19 December 31, 2026, including but not limited to the enforcement  
20 provisions set forth in RCW 43.10.005(6) as they existed immediately  
21 prior to January 1, 2027. Accordingly, a cause of action for conduct,  
22 acts, or omissions occurring on or before December 31, 2026, under  
23 RCW 43.10.005 as it existed immediately prior to January 1, 2027,  
24 remains available within its applicable statute of limitations. As an  
25 exercise of the state's police powers and for remedial purposes, this  
26 subsection applies retroactively to claims based on conduct, acts, or  
27 omissions that occurred on or before December 31, 2026.

28 (2) The provisions of this chapter apply to employee and employer  
29 conduct, acts, or omissions occurring on or after January 1, 2027,  
30 including but not limited to the enforcement provisions set forth in  
31 section 3 of this act.

32 NEW SECTION. **Sec. 6.** This chapter may be known and cited as the  
33 healthy starts act.

34 **Sec. 7.** RCW 2.36.100 and 2023 c 205 s 1 are each amended to read  
35 as follows:

1 (1) Except for a person who is not qualified for jury service  
2 under RCW 2.36.070 or who chooses to opt out of jury service under  
3 subsection (2) of this section, no person may be excused from jury  
4 service by the court except upon a showing of undue hardship, extreme  
5 inconvenience, public necessity, or any reason deemed sufficient by  
6 the court for a period of time the court deems necessary.

7 (2) (a) A person who is 80 years of age or older may request to be  
8 excused from jury service if the person attests that the person is  
9 unable to serve due to health reasons. An attestation form must be  
10 developed by the court and may not include a requirement that a  
11 doctor's note be provided. This request must be granted by the court.

12 (b) A person who is breastfeeding or expressing breast milk for  
13 an infant under 24 months old may request to delay or be excused from  
14 jury service if the person attests that the person is unable to serve  
15 for this reason. An attestation form must be developed by the court  
16 and may not include a requirement that a doctor's note be provided.  
17 This request must be granted by the court.

18 (3) At the discretion of the court's designee, after a request by  
19 a prospective juror to be excused, a prospective juror excused from  
20 juror service for a particular time may be assigned to another jury  
21 term within the twelve-month period. If the assignment to another  
22 jury term is made at the time a juror is excused from the jury term  
23 for which he or she was summoned, a second summons under RCW 2.36.095  
24 need not be issued. This subsection does not apply to people excused  
25 from jury service under subsection (2) of this section.

26 (4) When the jury source list has been fully summoned within a  
27 consecutive twelve-month period and additional jurors are needed,  
28 jurors who have already served during the consecutive twelve-month  
29 period may be summoned again for service. A juror who has previously  
30 served may only be excused if he or she served at least one week of  
31 juror service within the preceding twelve months. An excuse for prior  
32 service shall be granted only upon the written request of the  
33 prospective juror, which request shall certify the terms of prior  
34 service. Prior jury service may include service in superior court, in  
35 a court of limited jurisdiction, in the United States District Court,  
36 or on a jury of inquest.

37 NEW SECTION. Sec. 8. RCW 43.10.005 (Workplace pregnancy  
38 accommodations—Unfair practices—Definitions) and 2020 c 111 s 1,  
39 2019 c 134 s 1, & 2017 c 294 s 3 are each repealed.

1        NEW SECTION.     **Sec. 9.**     Sections 1 through 6 of this act  
2 constitute a new chapter in Title 49 RCW.

3        NEW SECTION.     **Sec. 10.**    This act takes effect January 1, 2027."

4        Correct the title.

EFFECT: Adds a short title to the provisions pertaining to pregnancy-related accommodations in the workplace, providing that the applicable new chapter may be known and cited as "The Healthy Starts Act."

Requires a court to grant a request for a delay or excusal from jury service if a person is breastfeeding or expressing breast milk for an infant under 24 months old (rather than if a person has an infant under 12 months old).

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