

# FINAL BILL REPORT

## E2SSB 5217

---

---

**Brief Description:** Expanding pregnancy-related accommodations.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Nobles, Lovelett, Hasegawa, Liias, Riccelli, Saldaña, Salomon, Stanford, Trudeau and Wilson, C.).

**Senate Committee on Labor & Commerce**

**Senate Committee on Ways & Means**

**House Committee on Labor & Workplace Standards**

**House Committee on Appropriations**

**Background:** Reasonable Accommodation. It is an unfair practice for an employer to fail to make reasonable accommodation for an employee's pregnancy or pregnancy-related health conditions, including the need to express breast milk. This law applies to employers who employ 15 or more persons and excludes non-profit religious organizations.

An employee alleging an unfair practice may file a complaint with the Human Rights Commission, which must investigate and attempt to eliminate the unfair practice by conference, conciliation, and persuasion. An employee may also bring a civil cause of action in court to recover actual damages, costs, reasonable attorneys' fees, and any other appropriate remedy.

Reasonable accommodation includes providing reasonable break time for an employee to express breast milk for two years after the child's birth and providing a private location other than a bathroom to express milk if the space is available at the place of business or worksite. If there is no space, the employer must work with the employee to identify a convenient location and work schedule to accommodate the employee's needs.

Under the federal Fair Labor Standards Act (FLSA), most employees have the right to reasonable break time and a private place to pump breast milk for their nursing child for one year after the child's birth. The FLSA does not require that employees be compensated for break time needed to pump breast milk.

In 2024, the state of New York passed a law requiring employers to provide up to 30 minutes of paid lactation breaks to employees each time an employee has a reasonable need

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

to express breast milk at work. Georgia, Illinois, and Minnesota have similar laws requiring paid lactation breaks for expressing milk.

Jury Service. A person may not be excused from jury service by the court unless there is an undue hardship, extreme inconvenience, public necessity, or a reason the court decides is acceptable. A person who is 80 years of age or older may request to be excused from jury service if the person attests that the person is unable to serve due to health reasons.

**Summary:** The laws regarding pregnancy-related accommodations in the workplace may be known and cited as the Healthy Starts Act.

Reasonable Accommodation. An employer is required to pay an employee for break time, and travel time if the business does not have a private location other than a bathroom, to express milk during work at the employee's regular compensation rate.

An employer may not require an employee to use paid leave during break or travel time to express milk. Any break time to express milk is in addition to meal and rest periods provided under current law.

Definitions. The definition of employer that applies to reasonable work accommodations for pregnancy, including the pay requirement for break and travel time to express milk, is expanded to include any employer who employs one or more persons and any religious or sectarian organization not organized for private profit.

The definition of reasonable accommodation is expanded to include scheduling flexibility for postpartum visits.

Enforcement. Authority to investigate and enforce complaints for an employer's failure or refusal to make a reasonable work accommodation for pregnancy is transferred from the Office of the Attorney General to the Department of Labor and Industries (L&I). Civil penalties collected for failure to provide a reasonable work accommodation for pregnancy are deposited in the Supplemental Pension Fund. L&I must adopt rules to implement the act. L&I must contact employers who are the subject of complaints and work in good faith to reach an agreement about a reasonable accommodation before issuing any administrative order, which may last for up to 90 days. A private cause of action to enforce laws requiring pregnancy-related accommodations is created. L&I may assess civil penalties for a violation. If an employer commits a violation by failing to accommodate for the need to express breast milk, L&I may assess a civil penalty under these provisions or other specified law, but may not assess duplicative penalties for the same violation.

Jury Duty. A person who is breastfeeding or expressing breast milk for an infant under 24 months old may request to delay or be excused from jury service if the person attests that the person is unable to serve for this reason. A court is required to grant this request.

**Votes on Final Passage:**

Senate 43 6

House 71 25 (House amended)

Senate 40 8 (Senate concurred)

**Effective:** The bill takes effect on January 1, 2027.