
SUBSTITUTE SENATE BILL 5217

State of Washington

69th Legislature

2025 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Nobles, Lovelett, Hasegawa, Lias, Riccelli, Saldaña, Salomon, Stanford, Trudeau, and C. Wilson)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to expanding pregnancy-related accommodations;
2 amending RCW 43.10.005 and 2.36.100; and providing an effective date.

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

4 **Sec. 1.** RCW 43.10.005 and 2020 c 111 s 1 are each amended to
5 read as follows:

6 (1) The definitions in this subsection apply throughout this
7 section unless the context clearly requires otherwise.

8 (a) "Employer" has the same meaning as and shall be interpreted
9 consistent with how that term is defined in RCW 49.60.040, except
10 that for the purposes of this section only (~~the threshold of~~
11 ~~employees must be fifteen or more~~), employer includes any employer
12 who employs one or more persons and any religious or sectarian
13 organization not organized for private profit.

14 (b) "Pregnancy" includes the employee's pregnancy and pregnancy-
15 related health conditions, including the need to express breast milk.

16 (c) "Reasonable accommodation" means:

17 (i) Providing more frequent, longer, or flexible restroom breaks;

18 (ii) Modifying a no food or drink policy;

19 (iii) Job restructuring, part-time or modified work schedules,
20 reassignment to a vacant position, or acquiring or modifying
21 equipment, devices, or an employee's work station;

1 (iv) Providing seating or allowing the employee to sit more
2 frequently if her job requires her to stand;

3 (v) Providing for a temporary transfer to a less strenuous or
4 less hazardous position;

5 (vi) Providing assistance with manual labor and limits on
6 lifting;

7 (vii) Scheduling flexibility for prenatal and postpartum visits;

8 (viii) Providing reasonable break time for an employee to express
9 breast milk for two years after the child's birth each time the
10 employee has need to express the milk and providing a private
11 location, other than a bathroom, if such a location exists at the
12 place of business or worksite, which may be used by the employee to
13 express breast milk. If the business location does not have a space
14 for the employee to express milk, the employer shall work with the
15 employee to identify a convenient location and work schedule to
16 accommodate their needs; and

17 (ix) Any further pregnancy accommodation an employee may request,
18 and to which an employer must give reasonable consideration in
19 consultation with information provided on pregnancy accommodation by
20 the department of labor and industries or the attending health care
21 provider of the employee.

22 (d) "Undue hardship" means an action requiring significant
23 difficulty or expense. An employer may not claim undue hardship for
24 the accommodations under (c)(i), (ii), and (iv) of this subsection,
25 or for limits on lifting over seventeen pounds.

26 (2) It is an unfair practice for any employer to:

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

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

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

37 (d) Require an employee to take leave if another reasonable
38 accommodation can be provided for the employee's pregnancy;

39 (e) Require an employee to use meal and rest periods under
40 chapter 49.12 RCW to express milk;

1 (f) Require an employee to arrange coverage of their schedule,
2 shift, or work duties when granted a reasonable accommodation.

3 (3) An employer may request that the employee provide written
4 certification from her treating health care professional regarding
5 the need for reasonable accommodation, except for accommodations
6 listed in subsection (1)(c)(viii) and (d) of this section.

7 (4)(a) This section does not require an employer to create
8 additional employment that the employer would not otherwise have
9 created, unless the employer does so or would do so for other classes
10 of employees who need accommodation.

11 (b) This section does not require an employer to discharge any
12 employee, transfer any employee with more seniority, or promote any
13 employee who is not qualified to perform the job, unless the employer
14 does so or would do so to accommodate other classes of employees who
15 need accommodation.

16 (5)(a) Any break time and any time traveling to a location,
17 identified by the employer and employee as provided in subsection
18 (1)(c)(viii) of this section, to express milk must be paid to the
19 employee at the employee's regular compensation rate. An employee
20 must not be required to use paid leave during break or travel time to
21 express milk during work. Any break time to express milk is in
22 addition to meal and rest periods under chapter 49.12 RCW.

23 (b) The requirements of this subsection are a wage payment
24 requirement as defined in RCW 49.48.082 and the provisions of chapter
25 49.48 RCW apply.

26 (c) The department of labor and industries may adopt rules to
27 implement and enforce this section.

28 (6) The department of labor and industries must provide online
29 education materials explaining the respective rights and
30 responsibilities of employers and employees who have a health
31 condition related to pregnancy or childbirth. The online education
32 materials must be prominently displayed on the department's website.

33 ~~((+6))~~ (7) The attorney general shall investigate complaints and
34 enforce this section, including by conference and conciliation. In
35 addition to the complaint process with the attorney general, any
36 person believed to be injured by a violation of this section has a
37 civil cause of action in court to enjoin further violations, or to
38 recover the actual damages sustained by the person, or both, together
39 with the cost of suit and reasonable attorneys' fees or any other
40 appropriate remedy authorized by state or federal law.

1 (~~(7)~~) (8) This section does not preempt, limit, diminish, or
2 otherwise affect any other provision of law relating to sex
3 discrimination or pregnancy, or in any way diminish or limit legal
4 protections or coverage for pregnancy, childbirth, or a pregnancy-
5 related health condition.

6 **Sec. 2.** RCW 2.36.100 and 2023 c 205 s 1 are each amended to read
7 as follows:

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

14 (2) (a) (i) A person who is 80 years of age or older may request to
15 be excused from jury service if the person attests that the person is
16 unable to serve due to health reasons.

17 (ii) A person with an infant under 12 months old may request to
18 delay or be excused from jury service if the person attests that the
19 person is unable to serve due to having an infant under 12 months
20 old.

21 (b) An attestation form must be developed by the court and may
22 not include a requirement that a doctor's note be provided. This
23 request must be granted by the court.

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

32 (4) When the jury source list has been fully summoned within a
33 consecutive twelve-month period and additional jurors are needed,
34 jurors who have already served during the consecutive twelve-month
35 period may be summoned again for service. A juror who has previously
36 served may only be excused if he or she served at least one week of
37 juror service within the preceding twelve months. An excuse for prior
38 service shall be granted only upon the written request of the
39 prospective juror, which request shall certify the terms of prior

1 service. Prior jury service may include service in superior court, in
2 a court of limited jurisdiction, in the United States District Court,
3 or on a jury of inquest.

4 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect January
5 1, 2026.

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