
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5217

State of Washington

69th Legislature

2025 Regular Session

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

READ FIRST TIME 02/28/25.

1 AN ACT Relating to expanding pregnancy-related accommodations;
2 amending RCW 2.36.100; adding a new chapter to Title 49 RCW;
3 repealing RCW 43.10.005; prescribing penalties; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires
8 otherwise.

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

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

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

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

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

1 (6) "Reasonable accommodation" means:

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

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

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

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

9 (e) Providing for a temporary transfer to a less strenuous or
10 less hazardous position;

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

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

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

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

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

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

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

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

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

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

6 (2) An employer may request that the employee provide written
7 certification from the employee's treating health care professional
8 regarding the need for reasonable accommodation, except for
9 accommodations listed in section 1 (6)(h) and section (7) of this
10 act.

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

15 (b) This chapter does not require an employer to discharge any
16 employee, transfer any employee with more seniority, or promote any
17 employee who is not qualified to perform the job, unless the employer
18 does so or would do so to accommodate other classes of employees who
19 need accommodation.

20 (4) Any break time and any time traveling to a location,
21 identified by the employer and employee as provided in section
22 1(6)(h) of this act, to express milk must be paid to the employee at
23 the employee's regular compensation rate. An employee must not be
24 required to use paid leave during break or travel time to express
25 milk during work. Any break time to express milk is in addition to
26 meal and rest periods under chapter 49.12 RCW.

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

32 NEW SECTION. **Sec. 3.** (1) The department shall investigate
33 complaints and enforce this chapter. Prior to issuing any order under
34 this subsection, the department must first contact the employer and
35 attempt in good faith to reach agreement on reasonable accommodation
36 or interim accommodation. If the department and the employer are
37 unable to reach agreement, the department may issue a temporary order
38 immediately restraining any such condition, practice, method,
39 process, or means in the workplace that violates any provision of

1 this chapter. This temporary order may be in effect no longer than 90
2 calendar days. To extend the order beyond 90 calendar days, the
3 department must seek a restraining order, or other such relief as
4 appears appropriate under the circumstances, in the superior court of
5 the county wherein such condition of employment or practice exists.

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

12 (3) This section does not preempt, limit, diminish, or otherwise
13 affect any other provision of law relating to sex discrimination or
14 pregnancy, or in any way diminish or limit legal protections or
15 coverage for pregnancy, childbirth, or pregnancy-related health
16 conditions.

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

22 NEW SECTION. **Sec. 4.** (1) The department must adopt rules for
23 purposes of implementing and enforcing this chapter including, but
24 not limited to, rules establishing processes for enforcement and
25 appeals of citations issued, and rules concerning the collection of
26 civil penalties and other amounts owed. The rules must be at least
27 equal to enforcement of the protections provided by chapter 49.46
28 RCW.

29 (2) The department must deposit all civil penalties paid under
30 this chapter in the supplemental pension fund established under RCW
31 51.44.033.

32 NEW SECTION. **Sec. 5.** (1) The provisions of RCW 43.10.005 as
33 they existed immediately prior to January 1, 2027, apply to employee
34 and employer conduct, acts, or omissions occurring on or before
35 December 31, 2026, including but not limited to the enforcement
36 provisions set forth in RCW 43.10.005(6) as they existed immediately
37 prior to January 1, 2027. Accordingly, a cause of action for conduct,
38 acts, or omissions occurring on or before December 31, 2026, under

1 RCW 43.10.005 as it existed immediately prior to January 1, 2027,
2 remains available within its applicable statute of limitations. As an
3 exercise of the state's police powers and for remedial purposes, this
4 subsection applies retroactively to claims based on conduct, acts, or
5 omissions that occurred on or before December 31, 2026.

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

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

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

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

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

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

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

38 (4) When the jury source list has been fully summoned within a
39 consecutive twelve-month period and additional jurors are needed,

1 jurors who have already served during the consecutive twelve-month
2 period may be summoned again for service. A juror who has previously
3 served may only be excused if he or she served at least one week of
4 juror service within the preceding twelve months. An excuse for prior
5 service shall be granted only upon the written request of the
6 prospective juror, which request shall certify the terms of prior
7 service. Prior jury service may include service in superior court, in
8 a court of limited jurisdiction, in the United States District Court,
9 or on a jury of inquest.

10 NEW SECTION. **Sec. 7.** RCW 43.10.005 (Workplace pregnancy
11 accommodations—Unfair practices—Definitions) and 2020 c 111 s 1,
12 2019 c 134 s 1, & 2017 c 294 s 3 are each repealed.

13 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act
14 constitute a new chapter in Title 49 RCW.

15 NEW SECTION. **Sec. 9.** This act takes effect January 1, 2027.

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