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**SENATE BILL 5217**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Nobles, Lovelett, Hasegawa, Lias, Riccelli, Saldaña, Salomon, Stanford, Trudeau, and C. Wilson

Prefiled 01/10/25. Read first time 01/13/25. Referred to Committee on Labor & Commerce.

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

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 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 (3) An employer may request that the employee provide written  
40 certification from her treating health care professional regarding

1 the need for reasonable accommodation, except for accommodations  
2 listed in subsection (1)(c)(viii) and (d) of this section.

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

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

12 (5)(a) Any break time and any time traveling to a location,  
13 identified by the employer and employee as provided in subsection  
14 (1)(c)(viii) of this section, to express milk must be paid to the  
15 employee at the employee's regular compensation rate. An employee  
16 must not be required to use paid leave during break or travel time to  
17 express milk during work.

18 (b) The requirements of this subsection are a wage payment  
19 requirement as defined in RCW 49.48.082 and the provisions of chapter  
20 49.48 RCW apply.

21 (6) The department of labor and industries must provide online  
22 education materials explaining the respective rights and  
23 responsibilities of employers and employees who have a health  
24 condition related to pregnancy or childbirth. The online education  
25 materials must be prominently displayed on the department's website.

26 ~~((+6))~~ (7) The attorney general shall investigate complaints and  
27 enforce this section, including by conference and conciliation. In  
28 addition to the complaint process with the attorney general, any  
29 person believed to be injured by a violation of this section has a  
30 civil cause of action in court to enjoin further violations, or to  
31 recover the actual damages sustained by the person, or both, together  
32 with the cost of suit and reasonable attorneys' fees or any other  
33 appropriate remedy authorized by state or federal law.

34 ~~((+7))~~ (8) This section does not preempt, limit, diminish, or  
35 otherwise affect any other provision of law relating to sex  
36 discrimination or pregnancy, or in any way diminish or limit legal  
37 protections or coverage for pregnancy, childbirth, or a pregnancy-  
38 related health condition.

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

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

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

12       (ii) A person who is breastfeeding may request to delay or be  
13 excused from jury service if the person attests that the person is  
14 unable to serve due to breastfeeding.

15       (b) An attestation form must be developed by the court and may  
16 not include a requirement that a doctor's note be provided. This  
17 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.

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