

**WSR 26-05-063**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed February 17, 2026, 8:20 a.m.]

Subject of Possible Rule Making: Pregnancy-related accommodations, also known as the Healthy Starts Act. Creating a new chapter under Title 296 WAC, Department of labor and industries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 5217, chapter 379, Laws of 2025, codified under chapter 49.92 RCW, Pregnancy-related accommodations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) was directed by the legislature to develop rules to implement and enforce the updates to Washington's pregnancy-related accommodation law enacted under 2025's E2SSB 5217. Currently, Washington's pregnancy-related accommodation law applies to employers with 15 or more employees and is enforced by the Washington attorney general's office. When the updates under 2025's E2SSB 5217/chapter 49.92 RCW go into effect on January 1, 2027, the law will apply to all employers in the state with enforcement transferring to L&I. The bill also includes requirements related to pay for travel and break time for employees to express milk. L&I is directed to investigate complaints and take enforcement actions, including assessing penalties and other amounts owed to employees. Before taking enforcement action, the bill requires L&I contact employers and attempt in good faith to reach agreement on reasonable accommodation or interim accommodations before issuing any citation or order.

This rule making will implement E2SSB 5217/chapter 49.92 RCW, including processes for the investigation of complaint and enforcement, appeals of citations issued, and the collection of civil penalties and other amounts owed. L&I's enforcement of these requirements must be at least equal to enforcement of the minimum wage. L&I intends to create a new chapter in Title 296 WAC for the rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: L&I will coordinate with the Washington state office of the attorney general to transition complaint and enforcement processes by the date required in E2SSB 5217. In addition, the United States Equal Employment Opportunity Commission (EEOC) enforces federal laws that protect applicants and employees that are pregnant. Any needed coordination will be done by L&I through review of EEOC regulations and guidance.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after the rules are proposed by providing written comments or giving oral testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angela MacNeil, L&I, Division of Labor Standards, Health Care Labor Standards, P.O. Box 44510, Olympia, WA 98504-4510, phone 253-970-9305, fax 360-902-5300, email [ESRules@Lni.wa.gov](mailto:ESRules@Lni.wa.gov).

Additional comments: For more information on L&I rule making, visit the rule-making activity web page at <http://www.lni.wa.gov/rulemaking-activity>.

February 17, 2026

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Director