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**SENATE BILL 6663**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senators Franklin, Winsley, Wojahn, Kohl, Thibaudeau, Snyder, Prentice, Benton, Spanel, Rasmussen, Fairley, Bauer, Heavey, Kline, Patterson, Jacobsen, Brown, McAuliffe, Fraser, Goings and T. Sheldon

Read first time 01/27/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to the prevention of genetic discrimination;  
2 amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.175,  
3 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.190, 49.60.215,  
4 49.60.222, and 49.60.223; reenacting and amending RCW 49.60.222; adding  
5 a new chapter to Title 70 RCW; creating a new section; and prescribing  
6 penalties.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

9 (a) The collection, retention, use, and dissemination of genetic  
10 information can threaten the right to privacy of individuals and  
11 members of their families.

12 (b) The analysis of an individual's DNA provides information not  
13 only about an individual, but also about that individuals's parents,  
14 siblings, and children, thus implicating family privacy.

15 (c) Improper disclosure of genetic information can lead to  
16 significant harm to the individual, including stigmatization and  
17 discrimination in areas such as employment, education, health care, and  
18 insurance.

1 (d) Genetic information is uniquely private and personal  
2 information that should not be collected or disclosed without the  
3 individual's authorization.

4 (2) The purpose of this chapter is to:

5 (a) Protect the confidentiality of genetic information;

6 (b) Regulate the collection, retention, disclosure, or use of  
7 genetic information; and

8 (c) Protect against discrimination by an insurer or employer based  
9 upon the genetic information of an individual or his or her family  
10 members.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply  
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Genetic information" means information about inherited  
14 characteristics. Genetic information can be derived from a genetic  
15 test, family history, or medical examination.

16 (2) "Genetic test" includes any medical or scientific test used to  
17 seek genetic information, including but not limited to direct DNA  
18 analysis, chromosomal analysis, or tests for the presence or absence of  
19 gene products.

20 (3) "Insurer" means a company or a representative of a company that  
21 provides health, life, disability, or automobile insurance.

22 NEW SECTION. **Sec. 3.** (1) An insurer may not:

23 (a) Refuse to enroll a person or accept a person or a person's  
24 family member as a subscriber on the basis of the genetic information  
25 of that person or of their family members;

26 (b) Determine a rate on the basis of the genetic information of  
27 that person or of their family members;

28 (c) Offer or provide different terms, conditions, or benefits, on  
29 the basis of the genetic information of that person or of their family  
30 members; or

31 (d) Otherwise consider genetic information in the provision of  
32 insurance coverage or benefits.

33 (2) An employer may not:

34 (a) Refuse to hire or employ an individual on the basis of the  
35 genetic information of that person or of their family members;

36 (b) Bar or discharge an individual from employment on the basis of  
37 the genetic information of that person or of their family members;

1 (c) Discriminate against an individual in compensation or in terms,  
2 conditions, or privileges of employment on the basis of the genetic  
3 information of that person or of their family members; or

4 (d) Otherwise consider genetic information in employment decision  
5 making.

6 NEW SECTION. **Sec. 4.** An employer or insurer may not:

7 (1) Require or request that an individual or a member of an  
8 individual's family undergo a genetic test; or

9 (2) Offer inducements for genetic testing.

10 NEW SECTION. **Sec. 5.** An employer or insurer may not:

11 (1) Require or request that an individual or a member of the  
12 individual's family reveal whether the individual or a member of the  
13 individual's family has obtained a genetic test, or what the results of  
14 the test were; or

15 (2) Otherwise seek, receive, or maintain any genetic information.

16 NEW SECTION. **Sec. 6.** (1) Genetic information, including, but not  
17 limited to, genetic test results, are confidential and privileged and  
18 may not be released except to the individual tested and to persons  
19 specifically authorized by the individual to receive the information  
20 after prior written and informed consent.

21 (2) No one may disclose genetic information of any kind without  
22 obtaining written informed consent for each disclosure. This right may  
23 not be waived.

24 (3) No person may sell to or interpret for an employer or insurer  
25 a genetic test of an employee or insured person.

26 (4) A general authorization for the release of medical records or  
27 medical information may not be construed as an authorization for  
28 disclosure of genetic information. Authorizations for the release of  
29 genetic information and for any genetic test must, without exception,  
30 include specific, informed consent for each instance of disclosure and  
31 for each test performed.

32 NEW SECTION. **Sec. 7.** (1)(a) Any person aggrieved by a violation  
33 of this chapter has a cause of action against the person or institution  
34 who committed the violation and may recover either compensatory damages  
35 or equitable relief, or both. Compensatory damages shall be in an

1 amount equal to the actual damages suffered by the aggrieved person or  
2 one thousand dollars, whichever is greater.

3 (b) If the court finds that a person or institution in violation of  
4 this chapter knew or should have known that the conduct was in  
5 violation of this chapter, the court may award up to three but not less  
6 than two times the amount of actual damages suffered by the aggrieved  
7 individual. The action must be brought in the superior court of the  
8 county where the violation occurred.

9 (2) If the attorney general has reason to believe that a person or  
10 institution is violating or intends to violate the provisions of this  
11 chapter, he or she may bring an action in the name of the state against  
12 the person or institution to obtain either equitable relief or damages,  
13 or both, for any individual aggrieved by a violation of this chapter.  
14 The action must be brought in the superior court of the county where  
15 the violation occurred.

16 (3)(a) If the court finds that a person or institution has  
17 inadvertently violated this chapter, the court may require the person  
18 or institution to pay a civil penalty of one thousand dollars per  
19 violation.

20 (b) If the court finds that a person or institution is in willful  
21 violation of this chapter, the court may require the person or  
22 institution to pay a civil penalty of five thousand dollars per  
23 violation.

24 (c) The court may award the reasonable costs of investigation and  
25 litigation of a violation of this chapter, including reasonable  
26 attorneys' fees.

27 (4) Nothing in this chapter may be construed as limiting or  
28 prohibiting the pursuit of any other remedies available under common or  
29 statutory law in regard to genetic information privacy.

30 NEW SECTION. **Sec. 8.** The legislature finds that the practices  
31 covered by this chapter are matters vitally affecting the public  
32 interest for the purpose of applying the consumer protection act,  
33 chapter 19.86 RCW. A violation of this chapter is not reasonable in  
34 relation to the development and preservation of business and is an  
35 unfair or deceptive act in trade or commerce and an unfair method of  
36 competition for the purpose of applying the consumer protection act,  
37 chapter 19.86 RCW.

1       **Sec. 9.** RCW 49.60.010 and 1997 c 271 s 1 are each amended to read  
2 as follows:

3       This chapter shall be known as the "law against discrimination".  
4 It is an exercise of the police power of the state for the protection  
5 of the public welfare, health, and peace of the people of this state,  
6 and in fulfillment of the provisions of the Constitution of this state  
7 concerning civil rights. The legislature hereby finds and declares  
8 that practices of discrimination against any of its inhabitants because  
9 of race, creed, color, national origin, families with children, sex,  
10 marital status, age, genetic information, or the presence of any  
11 sensory, mental, or physical disability or the use of a trained dog  
12 guide or service animal by a disabled person are a matter of state  
13 concern, that such discrimination threatens not only the rights and  
14 proper privileges of its inhabitants but menaces the institutions and  
15 foundation of a free democratic state. A state agency is herein  
16 created with powers with respect to elimination and prevention of  
17 discrimination in employment, in credit and insurance transactions, in  
18 places of public resort, accommodation, or amusement, and in real  
19 property transactions because of race, creed, color, national origin,  
20 families with children, sex, marital status, age, genetic information,  
21 or the presence of any sensory, mental, or physical disability or the  
22 use of a trained dog guide or service animal by a disabled person; and  
23 the commission established hereunder is hereby given general  
24 jurisdiction and power for such purposes.

25       **Sec. 10.** RCW 49.60.020 and 1993 c 510 s 2 are each amended to read  
26 as follows:

27       The provisions of this chapter shall be construed liberally for the  
28 accomplishment of the purposes thereof. Nothing contained in this  
29 chapter shall be deemed to repeal any of the provisions of any other  
30 law of this state relating to discrimination because of race, color,  
31 creed, national origin, sex, marital status, age, genetic information,  
32 or the presence of any sensory, mental, or physical disability, other  
33 than a law which purports to require or permit doing any act which is  
34 an unfair practice under this chapter. Nor shall anything herein  
35 contained be construed to deny the right to any person to institute any  
36 action or pursue any civil or criminal remedy based upon an alleged  
37 violation of his or her civil rights.

1       **Sec. 11.** RCW 49.60.030 and 1997 c 271 s 2 are each amended to read  
2 as follows:

3       (1) The right to be free from discrimination because of race,  
4 creed, color, national origin, sex, genetic information, or the  
5 presence of any sensory, mental, or physical disability or the use of  
6 a trained dog guide or service animal by a disabled person is  
7 recognized as and declared to be a civil right. This right shall  
8 include, but not be limited to:

9       (a) The right to obtain and hold employment without discrimination;

10       (b) The right to the full enjoyment of any of the accommodations,  
11 advantages, facilities, or privileges of any place of public resort,  
12 accommodation, assemblage, or amusement;

13       (c) The right to engage in real estate transactions without  
14 discrimination, including discrimination against families with  
15 children;

16       (d) The right to engage in credit transactions without  
17 discrimination;

18       (e) The right to engage in insurance transactions or transactions  
19 with health maintenance organizations without discrimination:  
20 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
21 48.44.220, or 48.46.370 does not constitute an unfair practice for the  
22 purposes of this subparagraph; and

23       (f) The right to engage in commerce free from any discriminatory  
24 boycotts or blacklists. Discriminatory boycotts or blacklists for  
25 purposes of this section shall be defined as the formation or execution  
26 of any express or implied agreement, understanding, policy or  
27 contractual arrangement for economic benefit between any persons which  
28 is not specifically authorized by the laws of the United States and  
29 which is required or imposed, either directly or indirectly, overtly or  
30 covertly, by a foreign government or foreign person in order to  
31 restrict, condition, prohibit, or interfere with or in order to exclude  
32 any person or persons from any business relationship on the basis of  
33 race, color, creed, religion, sex, genetic information, the presence of  
34 any sensory, mental, or physical disability, or the use of a trained  
35 dog guide or service animal by a disabled person, or national origin or  
36 lawful business relationship: PROVIDED HOWEVER, That nothing herein  
37 contained shall prohibit the use of boycotts as authorized by law  
38 pertaining to labor disputes and unfair labor practices.

1 (2) Any person deeming himself or herself injured by any act in  
2 violation of this chapter shall have a civil action in a court of  
3 competent jurisdiction to enjoin further violations, or to recover the  
4 actual damages sustained by the person, or both, together with the cost  
5 of suit including reasonable attorneys' fees or any other appropriate  
6 remedy authorized by this chapter or the United States Civil Rights Act  
7 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988  
8 (42 U.S.C. Sec. 3601 et seq.).

9 (3) Except for any unfair practice committed by an employer against  
10 an employee or a prospective employee, or any unfair practice in a real  
11 estate transaction which is the basis for relief specified in the  
12 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any  
13 unfair practice prohibited by this chapter which is committed in the  
14 course of trade or commerce as defined in the consumer protection act,  
15 chapter 19.86 RCW, is, for the purpose of applying that chapter, a  
16 matter affecting the public interest, is not reasonable in relation to  
17 the development and preservation of business, and is an unfair or  
18 deceptive act in trade or commerce.

19 **Sec. 12.** RCW 49.60.040 and 1997 c 271 s 3 are each amended to read  
20 as follows:

21 As used in this chapter:

22 (1) "Person" includes one or more individuals, partnerships,  
23 associations, organizations, corporations, cooperatives, legal  
24 representatives, trustees and receivers, or any group of persons; it  
25 includes any owner, lessee, proprietor, manager, agent, or employee,  
26 whether one or more natural persons; and further includes any political  
27 or civil subdivisions of the state and any agency or instrumentality of  
28 the state or of any political or civil subdivision thereof;

29 (2) "Commission" means the Washington state human rights  
30 commission;

31 (3) "Employer" includes any person acting in the interest of an  
32 employer, directly or indirectly, who employs eight or more persons,  
33 and does not include any religious or sectarian organization not  
34 organized for private profit;

35 (4) "Employee" does not include any individual employed by his or  
36 her parents, spouse, or child, or in the domestic service of any  
37 person;

1 (5) "Labor organization" includes any organization which exists for  
2 the purpose, in whole or in part, of dealing with employers concerning  
3 grievances or terms or conditions of employment, or for other mutual  
4 aid or protection in connection with employment;

5 (6) "Employment agency" includes any person undertaking with or  
6 without compensation to recruit, procure, refer, or place employees for  
7 an employer;

8 (7) "Marital status" means the legal status of being married,  
9 single, separated, divorced, or widowed;

10 (8) "National origin" includes "ancestry";

11 (9) "Full enjoyment of" includes the right to purchase any service,  
12 commodity, or article of personal property offered or sold on, or by,  
13 any establishment to the public, and the admission of any person to  
14 accommodations, advantages, facilities, or privileges of any place of  
15 public resort, accommodation, assemblage, or amusement, without acts  
16 directly or indirectly causing persons of any particular race, creed,  
17 color, sex, national origin, genetic information, or with any sensory,  
18 mental, or physical disability, or the use of a trained dog guide or  
19 service animal by a disabled person, to be treated as not welcome,  
20 accepted, desired, or solicited;

21 (10) "Any place of public resort, accommodation, assemblage, or  
22 amusement" includes, but is not limited to, any place, licensed or  
23 unlicensed, kept for gain, hire, or reward, or where charges are made  
24 for admission, service, occupancy, or use of any property or  
25 facilities, whether conducted for the entertainment, housing, or  
26 lodging of transient guests, or for the benefit, use, or accommodation  
27 of those seeking health, recreation, or rest, or for the burial or  
28 other disposition of human remains, or for the sale of goods,  
29 merchandise, services, or personal property, or for the rendering of  
30 personal services, or for public conveyance or transportation on land,  
31 water, or in the air, including the stations and terminals thereof and  
32 the garaging of vehicles, or where food or beverages of any kind are  
33 sold for consumption on the premises, or where public amusement,  
34 entertainment, sports, or recreation of any kind is offered with or  
35 without charge, or where medical service or care is made available, or  
36 where the public gathers, congregates, or assembles for amusement,  
37 recreation, or public purposes, or public halls, public elevators, and  
38 public washrooms of buildings and structures occupied by two or more  
39 tenants, or by the owner and one or more tenants, or any public library



1 or educational institution, or schools of special instruction, or  
2 nursery schools, or day care centers or children's camps: PROVIDED,  
3 That nothing contained in this definition shall be construed to include  
4 or apply to any institute, bona fide club, or place of accommodation,  
5 which is by its nature distinctly private, including fraternal  
6 organizations, though where public use is permitted that use shall be  
7 covered by this chapter; nor shall anything contained in this  
8 definition apply to any educational facility, columbarium, crematory,  
9 mausoleum, or cemetery operated or maintained by a bona fide religious  
10 or sectarian institution;

11 (11) "Real property" includes buildings, structures, dwellings,  
12 real estate, lands, tenements, leaseholds, interests in real estate  
13 cooperatives, condominiums, and hereditaments, corporeal and  
14 incorporeal, or any interest therein;

15 (12) "Real estate transaction" includes the sale, appraisal,  
16 brokering, exchange, purchase, rental, or lease of real property,  
17 transacting or applying for a real estate loan, or the provision of  
18 brokerage services;

19 (13) "Dwelling" means any building, structure, or portion thereof  
20 that is occupied as, or designed or intended for occupancy as, a  
21 residence by one or more families, and any vacant land that is offered  
22 for sale or lease for the construction or location thereon of any such  
23 building, structure, or portion thereof;

24 (14) "Sex" means gender;

25 (15) "Aggrieved person" means any person who: (a) Claims to have  
26 been injured by an unfair practice in a real estate transaction; or (b)  
27 believes that he or she will be injured by an unfair practice in a real  
28 estate transaction that is about to occur;

29 (16) "Complainant" means the person who files a complaint in a real  
30 estate transaction;

31 (17) "Respondent" means any person accused in a complaint or  
32 amended complaint of an unfair practice in a real estate transaction;

33 (18) "Credit transaction" includes any open or closed end credit  
34 transaction, whether in the nature of a loan, retail installment  
35 transaction, credit card issue or charge, or otherwise, and whether for  
36 personal or for business purposes, in which a service, finance, or  
37 interest charge is imposed, or which provides for repayment in  
38 scheduled payments, when such credit is extended in the regular course  
39 of any trade or commerce, including but not limited to transactions by

1 banks, savings and loan associations or other financial lending  
2 institutions of whatever nature, stock brokers, or by a merchant or  
3 mercantile establishment which as part of its ordinary business permits  
4 or provides that payment for purchases of property or service therefrom  
5 may be deferred;

6 (19) "Families with children status" means one or more individuals  
7 who have not attained the age of eighteen years being domiciled with a  
8 parent or another person having legal custody of such individual or  
9 individuals, or with the designee of such parent or other person having  
10 such legal custody, with the written permission of such parent or other  
11 person. Families with children status also applies to any person who  
12 is pregnant or is in the process of securing legal custody of any  
13 individual who has not attained the age of eighteen years;

14 (20) "Covered multifamily dwelling" means: (a) Buildings  
15 consisting of four or more dwelling units if such buildings have one or  
16 more elevators; and (b) ground floor dwelling units in other buildings  
17 consisting of four or more dwelling units;

18 (21) "Premises" means the interior or exterior spaces, parts,  
19 components, or elements of a building, including individual dwelling  
20 units and the public and common use areas of a building;

21 (22) "Dog guide" means a dog that is trained for the purpose of  
22 guiding blind persons or a dog that is trained for the purpose of  
23 assisting hearing impaired persons;

24 (23) "Service animal" means an animal that is trained for the  
25 purpose of assisting or accommodating a disabled person's sensory,  
26 mental, or physical disability;

27 (24) "Genetic information" has the meaning in section 2 of this  
28 act.

29 **Sec. 13.** RCW 49.60.175 and 1997 c 271 s 7 are each amended to read  
30 as follows:

31 It shall be an unfair practice to use the sex, race, creed, color,  
32 national origin, marital status, genetic information, or the presence  
33 of any sensory, mental, or physical disability of any person, or the  
34 use of a trained dog guide or service animal by a disabled person,  
35 concerning an application for credit in any credit transaction to  
36 determine the credit worthiness of an applicant.

1       **Sec. 14.** RCW 49.60.176 and 1997 c 271 s 8 are each amended to read  
2 as follows:

3       (1) It is an unfair practice for any person whether acting for  
4 himself, herself, or another in connection with any credit transaction  
5 because of race, creed, color, national origin, sex, marital status,  
6 genetic information, or the presence of any sensory, mental, or  
7 physical disability or the use of a trained dog guide or service animal  
8 by a disabled person:

9       (a) To deny credit to any person;

10       (b) To increase the charges or fees for or collateral required to  
11 secure any credit extended to any person;

12       (c) To restrict the amount or use of credit extended or to impose  
13 different terms or conditions with respect to the credit extended to  
14 any person or any item or service related thereto;

15       (d) To attempt to do any of the unfair practices defined in this  
16 section.

17       (2) Nothing in this section shall prohibit any party to a credit  
18 transaction from considering the credit history of any individual  
19 applicant.

20       (3) Further, nothing in this section shall prohibit any party to a  
21 credit transaction from considering the application of the community  
22 property law to the individual case or from taking reasonable action  
23 thereon.

24       **Sec. 15.** RCW 49.60.178 and 1997 c 271 s 9 are each amended to read  
25 as follows:

26       It is an unfair practice for any person whether acting for himself,  
27 herself, or another in connection with an insurance transaction or  
28 transaction with a health maintenance organization to cancel or fail or  
29 refuse to issue or renew insurance or a health maintenance agreement to  
30 any person because of sex, marital status, race, creed, color, national  
31 origin, genetic information, or the presence of any sensory, mental, or  
32 physical disability or the use of a trained dog guide or service animal  
33 by a disabled person: PROVIDED, That a practice which is not unlawful  
34 under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an  
35 unfair practice for the purposes of this section. For the purposes of  
36 this section, "insurance transaction" is defined in RCW 48.01.060,  
37 health maintenance agreement is defined in RCW 48.46.020, and "health  
38 maintenance organization" is defined in RCW 48.46.020.

1 The fact that such unfair practice may also be a violation of  
2 chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an  
3 action brought under this section.

4 The insurance commissioner, under RCW 48.30.300, and the human  
5 rights commission, under chapter 49.60 RCW, shall have concurrent  
6 jurisdiction under this section and shall enter into a working  
7 agreement as to procedure to be followed in complaints under this  
8 section.

9 **Sec. 16.** RCW 49.60.180 and 1997 c 271 s 10 are each amended to  
10 read as follows:

11 It is an unfair practice for any employer:

12 (1) To refuse to hire any person because of age, sex, marital  
13 status, race, creed, color, national origin, genetic information, or  
14 the presence of any sensory, mental, or physical disability or the use  
15 of a trained dog guide or service animal by a disabled person, unless  
16 based upon a bona fide occupational qualification: PROVIDED, That the  
17 prohibition against discrimination because of such disability shall not  
18 apply if the particular disability prevents the proper performance of  
19 the particular worker involved.

20 (2) To discharge or bar any person from employment because of age,  
21 sex, marital status, race, creed, color, national origin, genetic  
22 information, or the presence of any sensory, mental, or physical  
23 disability or the use of a trained dog guide or service animal by a  
24 disabled person.

25 (3) To discriminate against any person in compensation or in other  
26 terms or conditions of employment because of age, sex, marital status,  
27 race, creed, color, national origin, genetic information, or the  
28 presence of any sensory, mental, or physical disability or the use of  
29 a trained dog guide or service animal by a disabled person: PROVIDED,  
30 That it shall not be an unfair practice for an employer to segregate  
31 washrooms or locker facilities on the basis of sex, or to base other  
32 terms and conditions of employment on the sex of employees where the  
33 commission by regulation or ruling in a particular instance has found  
34 the employment practice to be appropriate for the practical realization  
35 of equality of opportunity between the sexes.

36 (4) To print, or circulate, or cause to be printed or circulated  
37 any statement, advertisement, or publication, or to use any form of  
38 application for employment, or to make any inquiry in connection with

1 prospective employment, which expresses any limitation, specification,  
2 or discrimination as to age, sex, marital status, race, creed, color,  
3 national origin, genetic information, or the presence of any sensory,  
4 mental, or physical disability or the use of a trained dog guide or  
5 service animal by a disabled person, or any intent to make any such  
6 limitation, specification, or discrimination, unless based upon a bona  
7 fide occupational qualification: PROVIDED, Nothing contained herein  
8 shall prohibit advertising in a foreign language.

9       **Sec. 17.** RCW 49.60.190 and 1997 c 271 s 11 are each amended to  
10 read as follows:

11       It is an unfair practice for any labor union or labor organization:

12       (1) To deny membership and full membership rights and privileges to  
13 any person because of age, sex, marital status, race, creed, color,  
14 national origin, genetic information, or the presence of any sensory,  
15 mental, or physical disability or the use of a trained dog guide or  
16 service animal by a disabled person.

17       (2) To expel from membership any person because of age, sex,  
18 marital status, race, creed, color, national origin, genetic  
19 information, or the presence of any sensory, mental, or physical  
20 disability or the use of a trained dog guide or service animal by a  
21 disabled person.

22       (3) To discriminate against any member, employer, employee, or  
23 other person to whom a duty of representation is owed because of age,  
24 sex, marital status, race, creed, color, national origin, genetic  
25 information, or the presence of any sensory, mental, or physical  
26 disability or the use of a trained dog guide or service animal by a  
27 disabled person.

28       **Sec. 18.** RCW 49.60.190 and 1997 c 271 s 11 are each amended to  
29 read as follows:

30       It is an unfair practice for any labor union or labor organization:

31       (1) To deny membership and full membership rights and privileges to  
32 any person because of age, sex, marital status, race, creed, color,  
33 national origin, genetic information, or the presence of any sensory,  
34 mental, or physical disability or the use of a trained dog guide or  
35 service animal by a disabled person.

36       (2) To expel from membership any person because of age, sex,  
37 marital status, race, creed, color, national origin, genetic

1 information, or the presence of any sensory, mental, or physical  
2 disability or the use of a trained dog guide or service animal by a  
3 disabled person.

4 (3) To discriminate against any member, employer, employee, or  
5 other person to whom a duty of representation is owed because of age,  
6 sex, marital status, race, creed, color, national origin, genetic  
7 information, or the presence of any sensory, mental, or physical  
8 disability or the use of a trained dog guide or service animal by a  
9 disabled person.

10 **Sec. 19.** RCW 49.60.215 and 1997 c 271 s 13 are each amended to  
11 read as follows:

12 It shall be an unfair practice for any person or the person's agent  
13 or employee to commit an act which directly or indirectly results in  
14 any distinction, restriction, or discrimination, or the requiring of  
15 any person to pay a larger sum than the uniform rates charged other  
16 persons, or the refusing or withholding from any person the admission,  
17 patronage, custom, presence, frequenting, dwelling, staying, or lodging  
18 in any place of public resort, accommodation, assemblage, or amusement,  
19 except for conditions and limitations established by law and applicable  
20 to all persons, regardless of race, creed, color, national origin, sex,  
21 genetic information, the presence of any sensory, mental, or physical  
22 disability, or the use of a trained dog guide or service animal by a  
23 disabled person: PROVIDED, That this section shall not be construed to  
24 require structural changes, modifications, or additions to make any  
25 place accessible to a disabled person except as otherwise required by  
26 law: PROVIDED, That behavior or actions constituting a risk to  
27 property or other persons can be grounds for refusal and shall not  
28 constitute an unfair practice.

29 **Sec. 20.** RCW 49.60.222 and 1997 c 400 s 3 and 1997 c 271 s 14 are  
30 each reenacted and amended to read as follows:

31 (1) It is an unfair practice for any person, whether acting for  
32 himself, herself, or another, because of sex, marital status, race,  
33 creed, color, national origin, families with children status, genetic  
34 information, the presence of any sensory, mental, or physical  
35 disability, or the use of a trained dog guide or service animal by a  
36 disabled person:

37 (a) To refuse to engage in a real estate transaction with a person;

1 (b) To discriminate against a person in the terms, conditions, or  
2 privileges of a real estate transaction or in the furnishing of  
3 facilities or services in connection therewith;

4 (c) To refuse to receive or to fail to transmit a bona fide offer  
5 to engage in a real estate transaction from a person;

6 (d) To refuse to negotiate for a real estate transaction with a  
7 person;

8 (e) To represent to a person that real property is not available  
9 for inspection, sale, rental, or lease when in fact it is so available,  
10 or to fail to bring a property listing to his or her attention, or to  
11 refuse to permit the person to inspect real property;

12 (f) To discriminate in the sale or rental, or to otherwise make  
13 unavailable or deny a dwelling, to any person; or to a person residing  
14 in or intending to reside in that dwelling after it is sold, rented, or  
15 made available; or to any person associated with the person buying or  
16 renting;

17 (g) To make, print, circulate, post, or mail, or cause to be so  
18 made or published a statement, advertisement, or sign, or to use a form  
19 of application for a real estate transaction, or to make a record or  
20 inquiry in connection with a prospective real estate transaction, which  
21 indicates, directly or indirectly, an intent to make a limitation,  
22 specification, or discrimination with respect thereto;

23 (h) To offer, solicit, accept, use, or retain a listing of real  
24 property with the understanding that a person may be discriminated  
25 against in a real estate transaction or in the furnishing of facilities  
26 or services in connection therewith;

27 (i) To expel a person from occupancy of real property;

28 (j) To discriminate in the course of negotiating, executing, or  
29 financing a real estate transaction whether by mortgage, deed of trust,  
30 contract, or other instrument imposing a lien or other security in real  
31 property, or in negotiating or executing any item or service related  
32 thereto including issuance of title insurance, mortgage insurance, loan  
33 guarantee, or other aspect of the transaction. Nothing in this section  
34 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
35 credit transactions; or

36 (k) To attempt to do any of the unfair practices defined in this  
37 section.

38 (2) For the purposes of this chapter discrimination based on the  
39 presence of any sensory, mental, or physical disability or the use of

1 a trained dog guide or service animal by a blind, deaf, or physically  
2 disabled person includes:

3 (a) A refusal to permit, at the expense of the disabled person,  
4 reasonable modifications of existing premises occupied or to be  
5 occupied by such person if such modifications may be necessary to  
6 afford such person full enjoyment of the dwelling, except that, in the  
7 case of a rental, the landlord may, where it is reasonable to do so,  
8 condition permission for a modification on the renter agreeing to  
9 restore the interior of the dwelling to the condition that existed  
10 before the modification, reasonable wear and tear excepted;

11 (b) To refuse to make reasonable accommodation in rules, policies,  
12 practices, or services when such accommodations may be necessary to  
13 afford a person with the presence of any sensory, mental, or physical  
14 disability and/or the use of a trained dog guide or service animal by  
15 a blind, deaf, or physically disabled person equal opportunity to use  
16 and enjoy a dwelling; or

17 (c) To fail to design and construct covered multifamily dwellings  
18 and premises in conformance with the federal fair housing amendments  
19 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws  
20 or regulations pertaining to access by persons with any sensory,  
21 mental, or physical disability or use of a trained dog guide or service  
22 animal. Whenever the requirements of applicable laws or regulations  
23 differ, the requirements which require greater accessibility for  
24 persons with any sensory, mental, or physical disability shall govern.

25 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
26 single-family house rented or leased by the owner if the owner does not  
27 own or have an interest in the proceeds of the rental or lease of more  
28 than three such single-family houses at one time, the rental or lease  
29 occurred without the use of a real estate broker or salesperson, as  
30 defined in RCW 18.85.010, and the rental or lease occurred without the  
31 publication, posting, or mailing of any advertisement, sign, or  
32 statement in violation of subsection (1)(g) of this section; or (ii)  
33 rooms or units in dwellings containing living quarters occupied or  
34 intended to be occupied by no more than four families living  
35 independently of each other if the owner maintains and occupies one of  
36 the rooms or units as his or her residence.

37 (3) Notwithstanding any other provision of this chapter, it shall  
38 not be an unfair practice or a denial of civil rights for any public or  
39 private educational institution to separate the sexes or give



1 preference to or limit use of dormitories, residence halls, or other  
2 student housing to persons of one sex or to make distinctions on the  
3 basis of marital or families with children status.

4 (4) Except pursuant to subsection (2)(a) of this section, this  
5 section shall not be construed to require structural changes,  
6 modifications, or additions to make facilities accessible to a disabled  
7 person except as otherwise required by law. Nothing in this section  
8 affects the rights, responsibilities, and remedies of landlords and  
9 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to  
10 post and enforce reasonable rules of conduct and safety for all tenants  
11 and their guests, provided that chapters 59.18 and 59.20 RCW are only  
12 affected to the extent they are inconsistent with the nondiscrimination  
13 requirements of this chapter. Nothing in this section limits the  
14 applicability of any reasonable federal, state, or local restrictions  
15 regarding the maximum number of occupants permitted to occupy a  
16 dwelling.

17 (5) Notwithstanding any other provision of this chapter, it shall  
18 not be an unfair practice for any public establishment providing for  
19 accommodations offered for the full enjoyment of transient guests as  
20 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of  
21 families with children status. Nothing in this section shall limit the  
22 effect of RCW 49.60.215 relating to unfair practices in places of  
23 public accommodation.

24 (6) Nothing in this chapter prohibiting discrimination based on  
25 families with children status applies to housing for older persons as  
26 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
27 Sec. 3607(b)(1) through (3), as amended by the housing for older  
28 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.  
29 Nothing in this chapter authorizes requirements for housing for older  
30 persons different than the requirements in the federal fair housing  
31 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as  
32 amended by the housing for older persons act of 1995, P.L. 104-76, as  
33 enacted on December 28, 1995.

34 **Sec. 21.** RCW 49.60.223 and 1997 c 271 s 15 are each amended to  
35 read as follows:

36 It is an unfair practice for any person, for profit, to induce or  
37 attempt to induce any person to sell or rent any real property by  
38 representations regarding the entry or prospective entry into the

1 neighborhood of a person or persons of a particular race, creed, color,  
2 sex, national origin, families with children status, genetic  
3 information, or with any sensory, mental, or physical disability and/or  
4 the use of a trained dog guide or service animal by a blind, deaf, or  
5 physically disabled person.

6 NEW SECTION. **Sec. 22.** Sections 2 through 8 of this act constitute  
7 a new chapter in Title 70 RCW.

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