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**SUBSTITUTE SENATE BILL 5283**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin and Kohl-Welles)

READ FIRST TIME 02/26/01.

1 AN ACT Relating to discriminatory use of DNA in employment matters;  
2 and amending RCW 49.60.030.

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

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

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

11 (a) The right to obtain and hold employment without discrimination,  
12 including the right to prohibit an employer from screening a person's  
13 DNA. For purposes of this subsection, "screening" means obtaining a  
14 person's DNA and identifying a sequence of chemical base pairs or  
15 interpreting data from DNA analysis;

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

1 (c) The right to engage in real estate transactions without  
2 discrimination, including discrimination against families with  
3 children;

4 (d) The right to engage in credit transactions without  
5 discrimination;

6 (e) The right to engage in insurance transactions or transactions  
7 with health maintenance organizations without discrimination:  
8 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
9 48.44.220, or 48.46.370 does not constitute an unfair practice for the  
10 purposes of this subparagraph; and

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

27 (2) Any person deeming himself or herself injured by any act in  
28 violation of this chapter shall have a civil action in a court of  
29 competent jurisdiction to enjoin further violations, or to recover the  
30 actual damages sustained by the person, or both, together with the cost  
31 of suit including reasonable attorneys' fees or any other appropriate  
32 remedy authorized by this chapter or the United States Civil Rights Act  
33 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988  
34 (42 U.S.C. Sec. 3601 et seq.).

35 (3) Except for any unfair practice committed by an employer against  
36 an employee or a prospective employee, or any unfair practice in a real  
37 estate transaction which is the basis for relief specified in the  
38 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any  
39 unfair practice prohibited by this chapter which is committed in the

1 course of trade or commerce as defined in the Consumer Protection Act,  
2 chapter 19.86 RCW, is, for the purpose of applying that chapter, a  
3 matter affecting the public interest, is not reasonable in relation to  
4 the development and preservation of business, and is an unfair or  
5 deceptive act in trade or commerce.

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