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HOUSE BILL 1596

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State of Washington

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By Representatives Green, Hunt, Hudgins, Williams, Rolfes, Morrell, Campbell, Roberts, Kagi, Dickerson, Goodman, Upthegrove, Simpson, Moeller, Ormsby, and Nelson

Read first time 01/26/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to protecting a woman's right to breastfeed in a  
2 place of public resort, accommodation, assemblage, or amusement;  
3 amending RCW 49.60.030 and 49.60.215.

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

5 **Sec. 1.** RCW 49.60.030 and 2007 c 187 s 3 are each amended to read  
6 as follows:

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

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

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

18 (c) The right to engage in real estate transactions without

1 discrimination, including discrimination against families with  
2 children;

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

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

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

27 (g) the right of a mother to breastfeed her child in any place of  
28 public resort, accommodation, assemblage, or amusement.

29 (2) Any person deeming himself or herself injured by any act in  
30 violation of this chapter shall have a civil action in a court of  
31 competent jurisdiction to enjoin further violations, or to recover the  
32 actual damages sustained by the person, or both, together with the cost  
33 of suit including reasonable attorneys' fees or any other appropriate  
34 remedy authorized by this chapter or the United States Civil Rights Act  
35 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988  
36 (42 U.S.C. Sec. 3601 et seq.).

37 (3) Except for any unfair practice committed by an employer against  
38 an employee or a prospective employee, or any unfair practice in a real

1 estate transaction which is the basis for relief specified in the  
2 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any  
3 unfair practice prohibited by this chapter which is committed in the  
4 course of trade or commerce as defined in the Consumer Protection Act,  
5 chapter 19.86 RCW, is, for the purpose of applying that chapter, a  
6 matter affecting the public interest, is not reasonable in relation to  
7 the development and preservation of business, and is an unfair or  
8 deceptive act in trade or commerce.

9       **Sec. 2.** RCW 49.60.215 and 2007 c 187 s 12 are each amended to read  
10 as follows:

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

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