
HOUSE BILL 2589

State of Washington

64th Legislature

2016 Regular Session

By Representatives G. Hunt, Short, Van Werven, Rodne, McCabe, Taylor, Holy, Manweller, Shea, Walsh, Scott, Muri, Smith, Schmick, Harmsworth, McCaslin, Kochmar, Condotta, MacEwen, Buys, Griffey, Wilson, Pike, Young, Klippert, Hawkins, Haler, Kretz, Wilcox, Zeiger, Dent, Hargrove, Hickel, Stambaugh, Caldier, Hayes, and Parker

Read first time 01/15/16. Referred to Committee on Judiciary.

1 AN ACT Relating to allowing the use of gender-segregated
2 facilities; 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 2009 c 164 s 1 are each amended to
5 read as follows:

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

13 (a) The right to obtain and hold employment without
14 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
19 discrimination, including discrimination against families with
20 children;

1 (d) The right to engage in credit transactions without
2 discrimination;

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

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

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

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

36 (3) Except for any unfair practice committed by an employer
37 against an employee or a prospective employee, or any unfair practice
38 in a real estate transaction which is the basis for relief specified
39 in the amendments to RCW 49.60.225 contained in chapter 69, Laws of
40 1993, any unfair practice prohibited by this chapter which is

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

6 (4) Nothing in this chapter prohibits a public or private entity
7 from limiting access to a private facility segregated by gender, such
8 as a bathroom, restroom, toilet, shower, locker room, or sauna, to a
9 person if the person is preoperative, nonoperative, or otherwise has
10 genitalia of a different gender from that for which the facility is
11 segregated. Nothing in this chapter grants any right to a person to
12 access a private facility segregated by gender, such as a bathroom,
13 restroom, toilet, shower, locker room, or sauna, of a public or
14 private entity if the person is preoperative, nonoperative, or
15 otherwise has genitalia of a different gender from that for which the
16 facility is segregated.

17 (5) Nothing in this section prevents a minor child or a person
18 with a disability from entering a facility segregated by gender when
19 the child or person is a different gender from the gender for which
20 the facility is segregated if: (a) A parent, guardian, supervisor, or
21 caretaker is escorting the minor child or the person with a
22 disability to or from the facility, (b) the child or person is under
23 the custody, control, supervision, or care of the parent, guardian,
24 supervisor, or caretaker, and (c) the gender of the parent, guardian,
25 supervisor, or caretaker is the same as the gender for which the
26 facility is segregated.

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