
HOUSE BILL 1739

State of Washington

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2025 Regular Session

By Representatives Fosse, Thomas, Simmons, Obras, Reed, Ormsby, Parshley, Hill, Pollet, and Ramel

Read first time 01/30/25. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to regulating the use of self-service checkout
2 stations; amending RCW 49.85.015, 49.85.045, and 49.85.050; adding a
3 new section to chapter 49.85 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 49.85.015 and 2024 c 129 s 2 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Change in control" means any sale, purchase, assignment,
10 acquisition, transfer, contribution, or other disposition of all or
11 substantially all of the assets, cash on hand, or a controlling
12 interest, including by consolidation, merger, or reorganization, of
13 or by the incumbent grocery employer or any person who controls the
14 incumbent grocery employer or any grocery establishment under the
15 operation or control of either the incumbent grocery employer or any
16 person who controls the incumbent grocery employer.

17 (2) "Department" means the department of labor and industries.

18 (3) "Eligible grocery worker" means any individual whose primary
19 place of employment is at the grocery establishment subject to a
20 change in control, and who has worked for the incumbent grocery
21 employer for at least six months prior to the execution of the

1 transfer document. "Eligible grocery worker" does not include a
2 managerial, supervisory, or confidential employee.

3 ~~((3))~~ (4) "Employment commencement date" means the date on
4 which an eligible grocery worker retained by the successor grocery
5 employer pursuant to this chapter commences work for the successor
6 grocery employer in exchange for benefits and compensation under the
7 terms and conditions established by the successor grocery employer
8 and as required by law.

9 ~~((4))~~ (5)(a) "Grocery establishment" means a retail store in
10 this state that is over 15,000 square feet in size and that sells
11 primarily household foodstuffs for off-site consumption, including
12 the sale of fresh produce, meats, poultry, fish, deli products, dairy
13 products, canned foods, dry foods, beverages, baked foods, or
14 prepared foods. Other household supplies or other products must be
15 secondary to the primary purpose of food sales.

16 (b) A distribution center owned and operated by a grocery
17 establishment and used primarily to distribute goods to or from its
18 owned stores is considered a grocery establishment, regardless of its
19 square footage.

20 (c) A grocery establishment does not include a retail store that
21 has ceased operations for 12 months or more.

22 ~~((5))~~ (6) "Incumbent grocery employer" means the person that
23 owns, controls, or operates the grocery establishment at the time of
24 the change in control.

25 ~~((6))~~ (7) "Job classification" means a system for categorizing
26 certain duties into certain jobs.

27 ~~((7))~~ (8) "Manual checkout station" means a station that is not
28 a self-service checkout station and at which an employee provides
29 human assistance to customers with scanning, bagging, or accepting
30 payment for the customer's purchases.

31 (9) "Person" means an individual, corporation, partnership,
32 limited partnership, limited liability partnership, limited liability
33 company, business trust, estate, trust, association, joint venture,
34 agency, instrumentality, or any other legal or commercial entity,
35 whether domestic or foreign.

36 ~~((8))~~ (10) "Self-service checkout" means an automated process
37 that enables customers to scan, bag, and pay for their purchases
38 without human assistance.

39 (11) "Self-service checkout station" means a station at which a
40 customer can engage in a self-service checkout.

1 (12) "Successor grocery employer" means the person that owns,
2 controls, or operates the grocery establishment after the change in
3 control. A successor grocery employer may be the same entity as an
4 incumbent employer when a change in control occurs, but the covered
5 employer remains the same. "Successor grocery employer" does not
6 include any person that owns or controls 25 or fewer grocery
7 establishments in the state. A successor grocery employer does not
8 include an establishment operated by a franchisee pursuant to a
9 franchise agreement if the franchisee operates 25 or fewer grocery
10 establishments in the state.

11 ~~((9))~~ (13) "Transfer document" means the purchase agreement or
12 other document effecting the change in control.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.85
14 RCW to read as follows:

15 (1) A grocery establishment may not provide a self-service
16 checkout option for customers unless all of the following conditions
17 are met:

18 (a) At least one manual checkout station staffed by an employee
19 is available to any given customer at the time that a self-service
20 checkout option is made available to the customer, thereby giving the
21 customer a choice between self-service checkout or manual checkout;

22 (b) The grocery establishment has a workplace policy that limits
23 the number of items a customer may purchase at a self-service
24 checkout station to no more than 15 items, and there is signage in
25 the area of the self-service checkout station indicating the
26 permissible number of items; and

27 (c) No more than two self-service checkout stations are
28 simultaneously monitored by any one employee, and any such employee
29 is relieved from all other duties while monitoring the self-service
30 checkout stations, including relief from operating a manual checkout
31 station.

32 (2) A grocery establishment that offers self-service checkout
33 shall include self-service checkout in its analysis of potential work
34 hazards for purposes of any accident prevention programs required by
35 law.

36 (3) Subsections (1) and (2) of this section do not apply to
37 discount warehouse or retail stores where more than one-half of the
38 items carried by the discount warehouse or retail store are sold in

1 large quantities or in bulk and the discount warehouse or retail
2 store requires customers to pay a membership or assessment fee.

3 (4) (a) Upon the filing of a complaint by an employee, the
4 department shall investigate and enforce this section, including
5 ordering appropriate relief.

6 (b) An employer who violates this section is subject to a civil
7 penalty of \$100 for each day in violation, not to exceed an aggregate
8 penalty of \$10,000. Civil penalties imposed under this section must
9 be paid to the director of the department for deposit in the
10 supplemental pension fund established by RCW 51.44.033. Civil
11 penalties may be recovered in a civil action in the name of the
12 department brought in the superior court of the county where the
13 violation is alleged to have occurred, or the department may utilize
14 the procedures for collection of civil penalties as set forth in RCW
15 51.48.120 through 51.48.150.

16 (c) In addition to other remedies as may be provided by state
17 law, the attorney general's office may also institute an action for a
18 violation of this section, including an action seeking injunctive
19 relief.

20 **Sec. 3.** RCW 49.85.045 and 2024 c 129 s 8 are each amended to
21 read as follows:

22 (1) An aggrieved employee or an employee representative, such as
23 a collective bargaining representative or nonprofit corporation, may
24 bring an action in the superior court of the state of Washington for
25 violations of (~~this chapter~~) RCW 49.85.020 through 49.85.065 and
26 49.85.900 and may be awarded the following:

27 (a) Hiring and reinstatement rights pursuant to this chapter. For
28 violations of the retention provision, the 180-day transition
29 employment period does not commence until the eligible grocery
30 worker's employment commencement date with the successor grocery
31 employer;

32 (b) Front pay or back pay for each day during which the violation
33 continues;

34 (c) The value of the benefits the employee would have received
35 under any benefit plans;

36 (d) Reasonable attorneys' fees and costs to any employee or
37 employee representative who prevails in an enforcement action.

38 (2) Before an employee or an employee representative brings an
39 action in the superior court of the state of Washington for a

1 violation of (~~this chapter~~) RCW 49.85.020 through 49.85.065 and
2 49.85.900, both of the following requirements must be met:

3 (a) The employee has provided written notice to the employer of
4 the provisions of this chapter alleged to have been violated and the
5 facts to support the alleged violation; and

6 (b) The employer has not cured the alleged violation within 30
7 calendar days from receipt of the written notice.

8 **Sec. 4.** RCW 49.85.050 and 2024 c 129 s 9 are each amended to
9 read as follows:

10 (~~This chapter does~~) RCW 49.85.020 through 49.85.065 and
11 49.85.900 do not apply to grocery establishments that will be located
12 in geographic areas designated by the United States department of
13 agriculture as food deserts, based on the original food desert
14 measure contained in the Food Access Research Atlas, provided that
15 both of the following apply:

16 (1) More than six years have elapsed since the most recent
17 grocery establishment was located in the area designated as a food
18 desert; and

19 (2) The grocery establishment stocks and, during normal business
20 hours, sells fresh fruit and vegetables in amounts and of a quality
21 that is comparable to what the establishment sells in its three
22 geographically closest stores, which are located outside of the food
23 desert.

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