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**SECOND SUBSTITUTE SENATE BILL 5217**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Nobles, Lovelett, Hasegawa, Lias, Riccelli, Saldaña, Salomon, Stanford, Trudeau, and C. Wilson)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to expanding pregnancy-related accommodations;  
2 amending RCW 2.36.100; adding a new chapter to Title 49 RCW;  
3 repealing RCW 43.10.005; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Department" means the department of labor and industries.

9 (2) "Director" means the director of the department of labor and  
10 industries or authorized representative.

11 (3) "Employee" means an employee who is employed in the business  
12 of the employee's employer whether by way of manual labor or  
13 otherwise.

14 (4) "Employer" has the same meaning and must be interpreted  
15 consistent with how that term is defined in RCW 49.60.040, except  
16 that for the purposes of this chapter only, "employer" includes any  
17 employer who employs one or more persons and any religious or  
18 sectarian organization not organized for private profit.

19 (5) "Pregnancy" includes the employee's pregnancy and pregnancy-  
20 related health conditions, including the need to express breast milk.

21 (6) "Reasonable accommodation" means:

- 1 (a) Providing more frequent, longer, or flexible restroom breaks;
- 2 (b) Modifying a no food or drink policy;
- 3 (c) Job restructuring, part-time or modified work schedules,
- 4 reassignment to a vacant position, or acquiring or
- 5 modifying equipment, devices, or an employee's work station;
- 6 (d) Providing seating or allowing the employee to sit more
- 7 frequently if the employee's job requires the employee to stand;
- 8 (e) Providing for a temporary transfer to a less strenuous or
- 9 less hazardous position;
- 10 (f) Providing assistance with manual labor and limits on lifting;
- 11 (g) Scheduling flexibility for prenatal and postpartum visits;
- 12 (h) Providing reasonable break time for an employee to express
- 13 breast milk for two years after the child's birth each time the
- 14 employee has a need to express milk and providing a private location,
- 15 other than a bathroom, if such a location exists at the place of
- 16 business or worksite, which may be used by the employee to express
- 17 breast milk. If the business location does not have a space for the
- 18 employee to express milk, the employer shall work with the employee
- 19 to identify a convenient location and work schedule to accommodate
- 20 their needs; and
- 21 (i) Any further pregnancy accommodation an employee may request,
- 22 and to which an employer must give reasonable consideration in
- 23 consultation with information provided on pregnancy accommodation by
- 24 the department or the attending health care provider of the employee.
- 25 (7) "Undue hardship" means an action requiring significant
- 26 difficulty or expense. An employer may not claim undue hardship for
- 27 the accommodations under subsection (6)(a), (b), and (d) of this
- 28 section, or for limits on lifting over 17 pounds.

29 NEW SECTION. **Sec. 2.** (1) It is an unfair practice for any

30 employer to:

31 (a) Fail or refuse to make reasonable accommodation for an

32 employee for pregnancy, unless the employer can demonstrate that

33 doing so would impose an undue hardship on the employer's program,

34 enterprise, or business;

35 (b) Take adverse action against an employee who requests,

36 declines, or uses an accommodation under this section that affects

37 the terms, conditions, or privileges of employment;

1 (c) Deny employment opportunities to an otherwise qualified  
2 employee if such denial is based on the employer's need to make  
3 reasonable accommodation required by this section;

4 (d) Require an employee to take leave if another reasonable  
5 accommodation can be provided for the employee's pregnancy.

6 (2) An employer may request that the employee provide written  
7 certification from the employee's treating health care professional  
8 regarding the need for reasonable accommodation, except for  
9 accommodations listed in section 1 (6)(h) and section (7) of this  
10 act.

11 (3)(a) This chapter does not require an employer to create  
12 additional employment that the employer would not otherwise have  
13 created, unless the employer does so or would do so for other classes  
14 of employees who need accommodation.

15 (b) This chapter does not require an employer to discharge any  
16 employee, transfer any employee with more seniority, or promote any  
17 employee who is not qualified to perform the job, unless the employer  
18 does so or would do so to accommodate other classes of employees who  
19 need accommodation.

20 (4) Any break time and any time traveling to a location,  
21 identified by the employer and employee as provided in section  
22 1(6)(h) of this act, to express milk must be paid to the employee at  
23 the employee's regular compensation rate. An employee must not be  
24 required to use paid leave during break or travel time to express  
25 milk during work. Any break time to express milk is in addition to  
26 meal and rest periods under chapter 49.12 RCW.

27 (5) The department must provide online education materials  
28 explaining the respective rights and responsibilities of employers  
29 and employees who have a health condition related to pregnancy or  
30 childbirth. The online education materials must be prominently  
31 displayed on the department's website.

32 NEW SECTION. **Sec. 3.** (1) The department shall investigate  
33 complaints and enforce this chapter. Prior to issuing any order under  
34 this subsection, the department must first contact the employer and  
35 attempt in good faith to reach agreement on reasonable accommodation  
36 or interim accommodation. If the department and the employer are  
37 unable to reach agreement, the department may issue a temporary order  
38 immediately restraining any such condition, practice, method,  
39 process, or means in the workplace that violates any provision of

1 this chapter. This temporary order may be in effect no longer than 90  
2 calendar days. To extend the order beyond 90 calendar days, the  
3 department must seek a restraining order, or other such relief as  
4 appears appropriate under the circumstances, in the superior court of  
5 the county wherein such condition of employment or practice exists.

6 (2) In addition to the complaint process with the department, any  
7 person believed to have been injured by a violation of this chapter  
8 has a civil cause of action in court to enjoin further violations, or  
9 to recover the actual damages sustained by the person, or both,  
10 together with the cost of suit and reasonable attorneys' fees or any  
11 other appropriate remedy authorized by state or federal law.

12 (3) This section does not preempt, limit, diminish, or otherwise  
13 affect any other provision of law relating to sex discrimination or  
14 pregnancy, or in any way diminish or limit legal protections or  
15 coverage for pregnancy, childbirth, or pregnancy-related health  
16 conditions.

17 NEW SECTION. **Sec. 4.** (1) The department must adopt rules for  
18 purposes of implementing and enforcing this chapter including, but  
19 not limited to, rules establishing processes for enforcement and  
20 appeals of citations issued, and rules concerning the collection of  
21 civil penalties and other amounts owed. The rules must be at least  
22 equal to enforcement of the protections provided by chapter 49.46  
23 RCW.

24 (2) The department must deposit all civil penalties paid under  
25 this chapter in the supplemental pension fund established under RCW  
26 51.44.033.

27 NEW SECTION. **Sec. 5.** (1) The provisions of RCW 43.10.005 as  
28 they existed immediately prior to January 1, 2027, apply to employee  
29 and employer conduct, acts, or omissions occurring on or before  
30 December 31, 2026, including but not limited to the enforcement  
31 provisions set forth in RCW 43.10.005(6) as they existed immediately  
32 prior to January 1, 2027. Accordingly, a cause of action for conduct,  
33 acts, or omissions occurring on or before December 31, 2026, under  
34 RCW 43.10.005 as it existed immediately prior to January 1, 2027,  
35 remains available within its applicable statute of limitations. As an  
36 exercise of the state's police powers and for remedial purposes, this  
37 subsection applies retroactively to claims based on conduct, acts, or  
38 omissions that occurred on or before December 31, 2026.

1 (2) The provisions of this chapter apply to employee and employer  
2 conduct, acts, or omissions occurring on or after January 1, 2027,  
3 including but not limited to the enforcement provisions set forth in  
4 section 3 of this act.

5 **Sec. 6.** RCW 2.36.100 and 2023 c 205 s 1 are each amended to read  
6 as follows:

7 (1) Except for a person who is not qualified for jury service  
8 under RCW 2.36.070 or who chooses to opt out of jury service under  
9 subsection (2) of this section, no person may be excused from jury  
10 service by the court except upon a showing of undue hardship, extreme  
11 inconvenience, public necessity, or any reason deemed sufficient by  
12 the court for a period of time the court deems necessary.

13 (2) (a) (i) A person who is 80 years of age or older may request to  
14 be excused from jury service if the person attests that the person is  
15 unable to serve due to health reasons. An attestation form must be  
16 developed by the court and may not include a requirement that a  
17 doctor's note be provided. This request must be granted by the court.

18 (ii) A person with an infant under 12 months old may request to  
19 delay or be excused from jury service if the person attests that the  
20 person is unable to serve due to having an infant under 12 months  
21 old.

22 (b) An attestation form must be developed by the court and may  
23 not include a requirement that a doctor's note be provided. This  
24 request must be granted by the court.

25 (3) At the discretion of the court's designee, after a request by  
26 a prospective juror to be excused, a prospective juror excused from  
27 juror service for a particular time may be assigned to another jury  
28 term within the twelve-month period. If the assignment to another  
29 jury term is made at the time a juror is excused from the jury term  
30 for which he or she was summoned, a second summons under RCW 2.36.095  
31 need not be issued. This subsection does not apply to people excused  
32 from jury service under subsection (2) of this section.

33 (4) When the jury source list has been fully summoned within a  
34 consecutive twelve-month period and additional jurors are needed,  
35 jurors who have already served during the consecutive twelve-month  
36 period may be summoned again for service. A juror who has previously  
37 served may only be excused if he or she served at least one week of  
38 juror service within the preceding twelve months. An excuse for prior  
39 service shall be granted only upon the written request of the

1 prospective juror, which request shall certify the terms of prior  
2 service. Prior jury service may include service in superior court, in  
3 a court of limited jurisdiction, in the United States District Court,  
4 or on a jury of inquest.

5 NEW SECTION. **Sec. 7.** RCW 43.10.005 (Workplace pregnancy  
6 accommodations—Unfair practices—Definitions) and 2020 c 111 s 1,  
7 2019 c 134 s 1, & 2017 c 294 s 3 are each repealed.

8 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act  
9 constitute a new chapter in Title 49 RCW.

10 NEW SECTION. **Sec. 9.** This act takes effect January 1, 2027.

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