
ENGROSSED SUBSTITUTE SENATE BILL 5186

State of Washington

68th Legislature

2023 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Lias, Billig, Dhingra, Hunt, Keiser, Lovick, Nguyen, Nobles, Stanford, Valdez, Wellman, and C. Wilson)

READ FIRST TIME 02/15/23.

1 AN ACT Relating to requiring antidiscrimination clauses in public
2 contracting; amending RCW 39.26.245 and 39.04.160; and adding a new
3 section to chapter 49.60 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60
6 RCW to read as follows:

7 (1) After January 1, 2024, any contractor or prospective
8 contractor, including subcontractors, with the state for public works
9 or for goods or services is subject to the nondiscrimination
10 requirements of this section and any rules and regulations to
11 implement it.

12 (2) Every state contract and subcontract for public works or for
13 goods or services must contain a nondiscrimination clause prohibiting
14 discrimination on the bases enumerated in subsection (3) of this
15 section. The nondiscrimination clause must contain a provision
16 requiring contractors and subcontractors to give written notice of
17 their obligations under that clause to labor organizations with which
18 they have a collective bargaining or other agreement.

19 (3) The antidiscrimination clauses required by this section must
20 prohibit any covered contractor or subcontractor from:

1 (a) Refusing to hire any person because of age, sex, marital
2 status, sexual orientation, gender identity, race, creed, color,
3 national origin, citizenship or immigration status, honorably
4 discharged veteran or military status, the presence of any sensory,
5 mental, or physical disability, or the use of a trained dog guide or
6 service animal by a person with a disability, unless based upon a
7 bona fide occupational qualification: PROVIDED, That the prohibition
8 against discrimination because of such disability shall not apply if
9 the particular disability prevents the proper performance of the
10 particular worker involved: PROVIDED, That this section shall not be
11 construed to require an employer to establish employment goals or
12 quotas based on sexual orientation;

13 (b) Discharging or barring any person from employment because of
14 age, sex, marital status, sexual orientation, gender identity, race,
15 creed, color, national origin, citizenship or immigration status,
16 honorably discharged veteran or military status, the presence of any
17 sensory, mental, or physical disability, or the use of a trained dog
18 guide or service animal by a person with a disability;

19 (c) Discriminating against any person in compensation or in other
20 terms or conditions of employment because of age, sex, marital
21 status, sexual orientation, gender identity, race, creed, color,
22 national origin, citizenship or immigration status, honorably
23 discharged veteran or military status, the presence of any sensory,
24 mental, or physical disability, the use of a trained dog guide or
25 service animal by a person with a disability: PROVIDED, That it shall
26 not be an unfair practice for an employer to segregate washrooms or
27 locker facilities on the basis of sex, or to base other terms and
28 conditions of employment on the sex of employees where the commission
29 by regulation or ruling in a particular instance has found the
30 employment practice to be appropriate for the practical realization
31 of equality of opportunity between the sexes; or

32 (d) Printing or circulating, or causing to be printed or
33 circulated, any statement, advertisement, or publication, or to use
34 any form of application for employment, or to make any inquiry in
35 connection with prospective employment, which expresses any
36 limitation, specification, or discrimination as to age, sex, marital
37 status, sexual orientation, gender identity, race, creed, color,
38 national origin, citizenship or immigration status, honorably
39 discharged veteran or military status, or the presence of any
40 sensory, mental, or physical disability, the use of a trained dog

1 guide or service animal by a person with a disability, or any intent
2 to make any such limitation, specification, or discrimination, unless
3 based upon a bona fide occupational qualification: PROVIDED, That
4 nothing contained herein shall prohibit advertising in a foreign
5 language.

6 (4) The department of enterprise services, in collaboration with
7 the office of minority and women's business enterprises, the office
8 of equity, and the commission, must develop a standard template for
9 public works and goods and services contracts to meet the provisions
10 of this section.

11 **Sec. 2.** RCW 39.26.245 and 2010 c 5 s 6 are each amended to read
12 as follows:

13 (1) All contracts entered into and purchases made, including
14 leasing or renting, under this chapter on or after September 1, 1983,
15 are subject to the requirements established under chapter 39.19 RCW.

16 (2) All procurement contracts entered into under this chapter on
17 or after June 10, 2010, are subject to the requirements established
18 under RCW 43.60A.200.

19 (3) All contracts with the state for goods or services entered
20 into under this chapter on or after January 1, 2024, are subject to
21 the requirements established under section 1 of this act.

22 **Sec. 3.** RCW 39.04.160 and 1983 c 120 s 11 are each amended to
23 read as follows:

24 (1) All contracts entered into under this chapter by the state on
25 or after September 1, 1983, are subject to the requirements
26 established under chapter 39.19 RCW.

27 (2) All contracts entered into under this chapter by the state on
28 or after January 1, 2024, are subject to the requirements established
29 under section 1 of this act.

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