
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)

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)(a) 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 provisions of this chapter
10 relating to discrimination in employment and to the nondiscrimination
11 requirements of this chapter and any rules and regulations to
12 implement it.

13 (b) Contractors currently contracted with the state as of January
14 1, 2024, who are subject to (a) of this subsection and who were
15 previously excluded from this chapter, are not liable under this
16 chapter for actions occurring prior to January 1, 2024. However, this
17 subsection (1)(b) does not exclude actions commencing prior to
18 January 1, 2024, that continue on or after January 1, 2024.

19 (2) Every state contract and subcontract for public works or for
20 goods or services must contain a nondiscrimination clause prohibiting
21 discrimination on the bases enumerated in RCW 49.60.180. The

1 nondiscrimination clause must contain a provision requiring
2 contractors and subcontractors to give written notice of their
3 obligations under that clause to labor organizations with which they
4 have a collective bargaining or other agreement.

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

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

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

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

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

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

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

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

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