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**HOUSE BILL 1011**

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**State of Washington****65th Legislature****2017 Regular Session**

**By** Representatives Taylor, Shea, McCaslin, Young, Klippert, Walsh, Haler, Short, Manweller, Hargrove, Pike, Holy, Rodne, and Buys

Prefiled 12/05/16.

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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