
SENATE BILL 5927

State of Washington

63rd Legislature

2013 Regular Session

By Senators Brown, Holmquist Newbry, Hewitt, Honeyford, Benton, Bailey, Padden, Braun, Smith, Rivers, and Parlette

Read first time 04/26/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to the right to engage in commerce free from
2 discrimination; amending RCW 49.60.030; creating a new section; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the United States
6 Constitution is the supreme law of our nation, and this body has full
7 confidence in its ability to endure all tests. Many immigrants came to
8 our nation to escape government-sanctioned persecution of their faith.
9 This body believes that any law which is designed to restrict the
10 liberty of one faith tradition erodes the founding principle of
11 religious liberty and that it is, as James Madison wrote in 1785,
12 proper to "take alarm" at any such "experiment on our liberties." Our
13 state has a history of embracing an individual's right to practice the
14 faith tradition of his or her choice within the law and free of
15 government interference. The legislature also finds that a
16 multiplicity of religious beliefs, traditions, and heritages bring
17 strength to our state. This body believes that it is not the role of
18 the legislature of Washington state to disparage or marginalize any
19 religious tradition. This body finds abhorrent all forms of

1 discrimination, including those forms of discrimination targeting
2 religion or belief. Our state benefits from a number of individuals
3 and institutions whose faith motivates them to provide food to the
4 hungry, shelter to the needy, inexpensive or free health services, and
5 other humanitarian services. Religious leaders who facilitate conflict
6 resolution often achieve results that ease the burdens on our courts.

7 **Sec. 2.** RCW 49.60.030 and 2009 c 164 s 1 are each amended to read
8 as follows:

9 (1) The right to be free from discrimination because of race,
10 creed, color, national origin, sex, honorably discharged veteran or
11 military status, sexual orientation, or the presence of any sensory,
12 mental, or physical disability or the use of a trained dog guide or
13 service animal by a person with a disability is recognized as and
14 declared to be a civil right. This right shall include, but not be
15 limited to:

16 (a) The right to obtain and hold employment without discrimination;

17 (b) The right to the full enjoyment of any of the accommodations,
18 advantages, facilities, or privileges of any place of public resort,
19 accommodation, assemblage, or amusement;

20 (c) The right to engage in real estate transactions without
21 discrimination, including discrimination against families with
22 children;

23 (d) The right to engage in credit transactions without
24 discrimination;

25 (e) The right to engage in insurance transactions or transactions
26 with health maintenance organizations without discrimination:
27 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
28 48.44.220, or 48.46.370 does not constitute an unfair practice for the
29 purposes of this subparagraph;

30 (f) The right to engage in commerce free from any discriminatory
31 boycotts or blacklists. Discriminatory boycotts or blacklists for
32 purposes of this section shall be defined as the formation or execution
33 of any express or implied agreement, understanding, policy or
34 contractual arrangement for economic benefit between any persons which
35 is not specifically authorized by the laws of the United States and
36 which is required or imposed, either directly or indirectly, overtly or
37 covertly, by a foreign government or foreign person in order to

1 restrict, condition, prohibit, or interfere with or in order to exclude
2 any person or persons from any business relationship on the basis of
3 race, color, creed, religion, sex, honorably discharged veteran or
4 military status, sexual orientation, 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, or national origin or
7 lawful business relationship: PROVIDED HOWEVER, That nothing herein
8 contained shall prohibit the use of boycotts as authorized by law
9 pertaining to labor disputes and unfair labor practices; and

10 (g) The right of a mother to breastfeed her child in any place of
11 public resort, accommodation, assemblage, or amusement.

12 (2) Any person deeming himself or herself injured by any act in
13 violation of this chapter shall have a civil action in a court of
14 competent jurisdiction to enjoin further violations, or to recover the
15 actual damages sustained by the person, or both, together with the cost
16 of suit including reasonable attorneys' fees or any other appropriate
17 remedy authorized by this chapter or the United States Civil Rights Act
18 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988
19 (42 U.S.C. Sec. 3601 et seq.).

20 (3) Except for any unfair practice committed by an employer against
21 an employee or a prospective employee, or any unfair practice in a real
22 estate transaction which is the basis for relief specified in the
23 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any
24 unfair practice prohibited by this chapter which is committed in the
25 course of trade or commerce as defined in the Consumer Protection Act,
26 chapter 19.86 RCW, is, for the purpose of applying that chapter, a
27 matter affecting the public interest, is not reasonable in relation to
28 the development and preservation of business, and is an unfair or
29 deceptive act in trade or commerce.

30 (4) Nothing in this section may burden a person or religious
31 organization's freedom of religion including, but not limited to, the
32 right of an individual or entity to deny services if providing those
33 goods or services would be contrary to the individual's or entity
34 owner's sincerely held religious beliefs, philosophical beliefs, or
35 matters of conscience. This subsection does not apply to the denial of
36 services to individuals recognized as a protected class under federal
37 law applicable to the state as of the effective date of this section.
38 The right to act or refuse to act in a manner motivated by a sincerely

1 held religious belief, philosophical belief, or matter of conscience
2 may not be burdened unless the government proves that it has a
3 compelling governmental interest in infringing the specific act or
4 refusal to act and has used the least restrictive means to further that
5 interest.

6 NEW SECTION. **Sec. 3.** This act takes effect August 1, 2013.

--- END ---