
SENATE BILL 5693

State of Washington

66th Legislature

2019 Regular Session

By Senators Saldaña, Keiser, Hasegawa, and Das

1 AN ACT Relating to transparency in agricultural supply chains;
2 amending RCW 19.320.010; adding a new section to chapter 19.320 RCW;
3 and providing an effective date.

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

5 **Sec. 1.** RCW 19.320.010 and 2016 c 4 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Any person" means adults and children of any nationality.

10 (2) "Domestic employers of foreign workers" or "domestic
11 employer" means a person or persons residing in the state of
12 Washington who recruit or employ a foreign worker to perform work in
13 Washington state.

14 (3) "Forced labor" means all work or service which is exacted
15 from any person under the menace of any penalty and to which the
16 person has not offered himself or herself voluntarily.

17 (4) "Foreign worker" or "worker" means a person who is not a
18 citizen of the United States, who comes to Washington state based on
19 an offer of employment, and who holds a nonimmigrant visa for
20 temporary visitors.

1 (5) "Human trafficking" or "trafficking" means an act conducted
2 for the purpose of exploitation, including forced labor, by
3 particular means, for example threat of use of force or other forms
4 of coercion, abduction, fraud or deception, abuse of power, or abuse
5 of position of vulnerability.

6 (6) "International labor recruitment agency" means a corporation,
7 partnership, business, or other legal entity, whether or not
8 organized under the laws of the United States or any state, that does
9 business in the United States and offers Washington state entities
10 engaged in the employment or recruitment of foreign workers,
11 employment referral services involving citizens of a foreign country
12 or countries by acting as an intermediary between these foreign
13 workers and Washington employers.

14 (7) "Menace of any penalty" means all forms of criminal sanctions
15 and other forms of coercion, including threats, violence, retention
16 of identity documents, confinement, nonpayment or illegal deduction
17 of wages, or debt bondage.

18 (8) "Work or service" means all types of work, employment, or
19 occupation, whether legal or not.

20 (9) "Agricultural product" has the same meaning as in RCW
21 82.04.213.

22 (10) "Company" has the same meaning as in RCW 82.04.030.

23 (11) "Manufacturer" has the same meaning as in RCW 82.04.120.

24 (12) "Retail seller" means every company engaging in the business
25 of making sales at retail.

26 (13) "Sales at retail" has the same meaning as in RCW 82.04.050.

27 NEW SECTION. Sec. 2. A new section is added to chapter 19.320
28 RCW to read as follows:

29 (1) Every retail seller and manufacturer of agricultural products
30 doing business in Washington state and having annual worldwide gross
31 receipts of one hundred million dollars or more must:

32 (a) Make an annual disclosure as provided in subsection (2) of
33 this section; and

34 (b) Require its suppliers to report to the retail seller or
35 manufacturer any violations of employment-related laws and incidents
36 of slavery, peonage, and human trafficking within thirty days of the
37 violation or incident including, but not limited to any: (i) Court or
38 arbitration rulings; (ii) citations or other rulings by governmental
39 agencies; and (iii) criminal convictions.

1 (2) The annual disclosure required in subsection (1)(a) of this
2 section must, at a minimum, state:

3 (a) The retail seller's or manufacturer's specific actions taken
4 with respect to its product supply chains to: (i) Eradicate slavery,
5 peonage, and human trafficking; (ii) ensure compliance with the
6 employment law obligations; and (iii) ensure that workers' human
7 rights are respected; and

8 (b) Any information reported from its suppliers as provided in
9 subsection (1)(b) of this section.

10 (3) The disclosure described in subsection (2) of this section
11 must be posted on the retail seller's or manufacturer's internet web
12 site with a conspicuous and easily understood link to the required
13 information placed on the business' homepage. In the event the retail
14 seller or manufacturer does not have an internet web site, the retail
15 seller or manufacturer must provide consumers with a written
16 disclosure within thirty days of receiving a written request for the
17 disclosure from a consumer.

18 (4) Failure of a supplier to report the information to the retail
19 seller or manufacturer as required in subsection (2)(b) of this
20 section is a violation of this section. For purposes of establishing
21 personal jurisdiction under this section, a supplier is deemed to be
22 doing business in Washington and is subject to the jurisdiction of
23 the courts of Washington state if the supplier contracts for the sale
24 of goods with a retail seller or manufacturer doing business in
25 Washington state or is considered to be doing business in Washington
26 state under any other provision or rule of law.

27 (5) Failure of a retail seller or manufacturer of agricultural
28 products to meet any of the requirements of this section is a
29 violation of this section.

30 (6) Any person residing in this state or the attorney general may
31 commence a civil action in a Washington state court against a retail
32 seller or manufacturer of agricultural products or a supplier for a
33 violation of this section. A person has standing to commence an
34 action based on the person's residence in the state, without regard
35 to whether the person has suffered specific injury or damage.

36 (7) If a court finds that a retail seller or manufacturer of
37 agricultural products or a supplier has violated this section, the
38 court may award to the plaintiff: (a) Statutory damages of not less
39 than five hundred dollars and not more than seven thousand dollars
40 for each such violation; (b) punitive damages for willful violations;

1 (c) reasonable costs and attorneys' fees; and (d) declaratory or
2 injunctive relief as the court deems appropriate.

3 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2020.

--- END ---