SLS 16RS-13 **ORIGINAL**

2016 Regular Session

SENATE BILL NO. 332

BY SENATOR MORRELL

DISCRIMINATION. Provides relative to gender identification discrimination. (8/1/16)

AN ACT

To amend and reenact R.S. 4:193(B), R.S. 9:3583, R.S. 12:1041, R.S. 14:107.2(A) and 326(C), R.S. 15:1204.2(B)(4) and 1402(A), R.S. 17:111, 158(F), 1676(D), 2053(D)(3), 3402(A), and 3991(B)(3), R.S. 22:1452(C)(25), 1454(A), and 1964(7)(f), R.S. 23:332 and 2043(B)(1), R.S. 27:27.2(B) and 27.4, R.S. 37:1025(B), 1107(C), 1360.23(H), 1437(D), 1455(A)(28), 2654(C)(1), 2719, 3425(C), and 3447(C), R.S. 38:2315, R.S. 39:1411, R.S. 40:1133.1(C), 2113.4(A), 2113.6(A)(1) and (B), 2120.35(B)(5), 2125(B), 2403(H)(1), and 2504, R.S. 46:437.11(A), 1104, 1134, 1154, the introductory paragraph of 1407(B)(1)(e) and (F), 1995, and 2205, R.S. 47:37(C) and 287.755(C), R.S. 48:274.1(C), R.S. 49:145 and 146(A)(1), and R.S. 51:2231(A), 2232(3), 2235(16)(a), 2236(A), 2237(2), 2247, 2248, 2254(1) and (2), the introductory paragraph of 2255(A), 2602(A), 2606(A)(1) through (5), 2607(A) and (C), and 2608 and to enact R.S. 23:302(9) and (10), relative to discrimination; to expand the application of various provisions relative to discrimination by adding additional criteria; to provide for definitions; to remove certain activities from provisions for the attorney general to institute civil proceedings against certain corporations; and to provide for related matters.

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Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:193(B) is hereby amended and reenacted to read as follows:

§193. Categories of persons subject to exclusion and ejection; civil liberties

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B. No person may be excluded or ejected on account of race, color, creed, **age, sexual orientation, gender identity or expression,** national origin, ancestry, disability, as defined in R.S. 51:2232~~(11)~~, or gender.

* * *

Section 2. R.S. 9:3583 is hereby amended and reenacted to read as follows:

§3583. Discrimination prohibited

A. It shall be unlawful for any extender of credit to refuse to extend credit to any major or emancipated minor solely because of that person's race, color, religion, national origin, sex, **age, sexual orientation, gender identity or expression, disability,** or marital status.

B. It shall also be unlawful for any extender of credit to require any major or emancipated minor to meet credit qualification standards not required of other persons similarly situated.

Section 3. R.S. 12:1041 is hereby amended and reenacted to read as follows:

§1041. Suppression of criminally operated businesses by domestic and foreign corporations; proceedings

A. The attorney general is authorized to institute civil proceedings against any domestic corporation to procure a judgment annulling, vacating or forfeiting its articles of incorporation and franchise, and against any foreign corporation to revoke its certificate of authority to transact business in this state when:

~~1.~~**(1)** Any of the corporation officers or any other person controlling the management or operation of such corporation, with the knowledge of the president and a majority of the board of directors or under such circumstances that the president and a majority of the directors should have knowledge, is a person or persons engaged in activities such as organized violent revolutionary or unlawful

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activity aimed at the overthrow of the government of the State of Louisiana or any of its political subdivisions, or any boards, commissions, agency or official of either, or any unlawful activity aimed at ~~organized homosexuality,~~ organized crimes against nature, organized prostitution, organized gambling, organized narcotics, organized extortion or organized embezzlement, or who is connected directly or indirectly with organizations, syndicates or criminal societies engaged in any of these; or

~~2.~~**(2)** A director, officer, employee, agent or stockholder acting for, through or on behalf of such corporation has, in conducting the corporation's affairs, purposely engaged in a persistent course of violent revolutionary or unlawful activity aimed at the overthrow of the government of the State of Louisiana or any of its political subdivisions, or any boards, commissions, agency or official or any unlawful activity aimed at ~~homosexuality,~~ crimes against nature, intimidation and coercion, bribery, prostitution, gambling, extortion, embezzlement, unlawful sale of narcotics or other illegal conduct, with the knowledge of the president and majority of the board of directors or under such circumstances that the president and a majority of the directors should have knowledge, with the intent to compel or induce other persons, firms or corporations to deal with such corporation or engage in any such illegal conduct, and

~~3.~~**(3)** For the prevention of future illegal conduct of the same character, the public interest requires the charter of the corporation to be annulled, vacated or forfeited and the corporation to be dissolved or the certificate of authority to transact business in this state revoked.

B.**(1)** The proceedings authorized by this section may be instituted against a corporation in the district court for the parish of its registered office or for any parish in which it is doing business. The proceedings shall be conducted in accordance with the Louisiana Code of Civil Procedure and the applicable rules of court.

(2) The proceedings herein authorized shall be in addition to any other proceeding authorized by law for the purpose of annulling, vacating or forfeiting the articles and franchise of a domestic corporation and/or revoking the certificate of

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authority of a foreign corporation to transact business in this state.

Section 4. R.S. 14:107.2(A) and 326(C) are hereby amended and reenacted to read as follows:

§107.2. Hate crimes

A. It shall be unlawful for any person to select the victim of the following offenses against person and property because of actual or perceived race, age, gender, **gender identity or expression,** religion, color, creed, disability, sexual orientation, national origin, or ancestry of that person or the owner or occupant of that property or because of actual or perceived membership or service in, or employment with, an organization: first or second degree murder; manslaughter; battery; aggravated battery; second degree battery; aggravated assault with a firearm; terrorizing; mingling harmful substances; simple or third degree rape, forcible or second degree rape, or aggravated or first degree rape; sexual battery, second degree sexual battery; oral sexual battery; carnal knowledge of a juvenile; indecent behavior with juveniles; molestation of a juvenile or a person with a physical or mental disability; simple, second degree, or aggravated kidnapping; simple or aggravated arson; communicating of false information of planned arson; simple or aggravated criminal damage to property; contamination of water supplies; simple or aggravated burglary; criminal trespass; simple, first degree, or armed robbery; purse snatching; extortion; theft; desecration of graves; institutional vandalism; or assault by drive-by shooting.

* * *

§326. Processions, marches, parades, or demonstrations; permits; liability; bond; exemptions; penalty

* * *

C. The provisions of this Section shall apply to all groups, associations, or organizations regardless of race, creed, **age, sex, sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(11)~~, color, or political beliefs of its members; however, nothing contained herein shall apply to a bona fide

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legitimate labor organization or professional firefighter or police association or to any lawful activity of a labor union permitted by law, nor shall these provisions apply to any procession or parade directly held or sponsored by the governing authority of any municipality or the governing authority of any parish, nor shall these provisions apply to any procession, march, or parade directly held or sponsored by a bona fide organization specifically for the celebration of Mardi Gras ~~and/~~or directly related prelenten or carnival festivities, school parades or other functions, parish parades or other functions, state, parish, or municipal fairs or other such related activities. However, the provisions of this Section shall apply only to parishes with a population of more than four hundred fifty thousand.

* * *

Section 5. R.S. 15:1204.2(B)(4) and 1402(A) are hereby amended and reenacted to read as follows:

§1204.2. Creation of system; functions; powers; duties

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B. The system, by and through the commission, shall have the following functions, powers, and duties:

* * *

(4) To prepare and distribute, to all such persons and agencies, forms to be used in reporting data to the system. The forms shall provide for information regarding crimes which are directed against individuals or groups, or their property, by reason of their actual or perceived race, age, gender, **gender identity or expression,** religion, color, creed, disability, sexual orientation, national origin, or ancestry or by reason of their actual or perceived membership or service in, or employment with, an organization as defined in R.S. 14:107.2. The forms shall also provide for other items of information needed by federal and state bureaus or departments engaged in the development of national and state statistics.

* * *

§1402. Legislative findings and declaration

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A. The legislature hereby finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, **sexual orientation, gender identity or expression**, age, or disability, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this Chapter to interfere with the constitutional exercise of the protected rights of freedom of expression and association. The legislature hereby recognizes the right of every citizen to harbor and constitutionally express beliefs on any lawful subject whatsoever, to associate lawfully with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

* * *

Section 6. R.S. 17:111, 158(F), 1676(D), 2053(D)(3), 3402(A), and 3991(B)(3) are hereby amended and reenacted to read as follows:

§111. Discrimination in public schools prohibited; pupil assignment; religious educational institutions

A. No person shall be refused admission into or be excluded from any public school in the state of Louisiana on account of race, creed, color, **sex, sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(11)~~, or national origin.

B. Except with the express approval of a board of education or school board having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color, **sexual orientation, gender identity or expression, disability,** or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors**, sexual orientations, gender identities or expressions, disabilities**, or national origins, and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for

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any such purpose, provided that nothing contained in this ~~section~~ **Section** shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and provided further that nothing in this Act shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.

* * *

§158. School buses for transportation of students; employment of bus operators; alternative means of transportation; improvement of school bus turnarounds; loading and unloading students

* * *

F. The provisions of this Section shall apply to eligible public and nonpublic school students. However, these provisions shall not apply to any student or the parent or tutor of any student who attends a school which discriminates on the basis of race, creed, color, **sex, sexual orientation, gender identity or expression,** or national origin.

* * *

§1676. Recipients and awards of scholarships

* * *

D. Scholarship awards shall be made without regard to the applicant's race, disability, as defined in R.S. 51:2232~~(11)~~, creed, color, sex, **sexual orientation, gender identity or expression,** national origin, or ancestry; and in making scholarship awards, the department shall provide a fair and equitable geographical distribution of the awards and shall treat all approved institutions of higher education in a fair and equitable manner.

* * *

§2053. Payments to independent institutions of higher learning for educating

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Louisiana residents

* * *

D. As used in this Section, the term "eligible institutions" shall mean Centenary College, Dillard University, Our Lady of Holy Cross College, Louisiana College, Loyola University, Our Lady of the Lake College, St. Joseph Seminary College, Tulane University, and Xavier University, all in Louisiana. In order to qualify for payments made by the Board of Regents under this Section, eligible institutions shall:

* * *

(3) Admit students without regard to race, religion, color, **sex, sexual orientation, gender identity or expression, disability,** or national origin.

* * *

§3402. Minimum requirements for school certification; admission policies; environment; program

The minimum requirements for certification as a Montessori school shall be as follows:

A. Admission policies

All admissions in a Montessori school shall be open to all persons of all races, creeds, **sex, sexual orientation, gender identity or expression,** or color, and to all persons with disabilities as defined in R.S. 51:2232~~(11)~~.

* * *

§3991. Charter schools; requirements; limitations; renewal; amendment; revocation

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B. Each proposed charter shall contain or make provision for the following:

* * *

(3) Admission requirements, if any, that are consistent with the school's role, scope, and mission may be established pursuant to rules promulgated by the state board. Such admission requirements shall be specific and shall include a system for admission decisions which precludes exclusion of pupils based on race, religion,

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gender, ethnicity, **sexual orientation, gender identity or expression,** national origin, intelligence level as ascertained by an intelligence quotient examination, or identification as a student with an exceptionality as defined in R.S. 17:1942(B). Such admission requirements may include, however, specific requirements related to a school's mission such as auditions for schools with a performing arts mission or proficiency in a foreign language for schools with a language immersion mission. Any school which was chartered prior to July 1, 2012, and which incorporated achievement of a certain academic record as part of its admission requirements may continue to utilize such admission requirements. No local board shall assign any pupil to attend a charter school.

* * *

Section 7. R.S. 22:1452(C)(25), 1454(A), and 1964(7)(f) are hereby amended and reenacted to read as follows:

§1452. Purpose of rate regulation; construction; definitions

* * *

C. As used in this Subpart, the following definitions shall be applicable:

* * *

(25) "Unfairly discriminatory" means not capable of being actuarially justified or based on race, color, creed, **age, sex, sexual orientation, gender identity or expression, disability,** or national origin. It does not refer to rates that produce differences in premiums for policyholders with different loss exposures, so long as the rate is actuarially justified and reflects such differences with reasonable accuracy.

* * *

§1454. Rating standards and methods

A. Rates shall not be inadequate or unfairly discriminatory in a competitive market. Rates shall not be excessive, inadequate, or unfairly discriminatory in a noncompetitive market. Risks may be classified using any criteria except that no risk shall be classified on the basis of race, color, creed, **sex, sexual orientation, gender identity or expression, disability,** or national origin.

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* * *

§1964. Methods, acts, and practices which are defined as unfair or deceptive

The following are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

* * *

(7) Unfair discrimination.

* * *

(f) Refusing to insure, refusing to continue to insure, or limiting the amount of coverage available to an individual solely because of the sex, marital status, race, religion, **age, sexual orientation, gender identity or expression, disability,** or national origin of the individual. However, nothing in this Subsection shall prohibit an insurer from taking marital status into account for the purpose of defining persons eligible for dependent benefits. Nothing in this Section shall prohibit or limit the operation of fraternal benefit societies.

* * *

Section 8. R.S. 23:332 and 2043(B)(1) are hereby amended and reenacted and R.S. 23:302(9) and (10) are hereby enacted to read as follows:

§302. Definitions

For purposes of this Chapter and unless the context clearly indicates otherwise, the following terms shall have the following meanings ascribed to them:

* * *

(9) "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality.

(10) "Gender identity or expression" means a gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth.

* * *

§332. Intentional discrimination in employment

A. It shall be unlawful discrimination in employment for an employer to

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engage in any of the following practices:

(1) Intentionally fail or refuse to hire or to discharge any individual, or otherwise to intentionally discriminate against any individual with respect to compensation, or terms, conditions, or privileges of employment, because of the individual's race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin.

(2) Intentionally limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the individual's status as an employee, because of the individual's race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin.

(3) Intentionally pay wages to an employee at a rate less than that of another employee of the opposite sex for equal work on jobs in which their performance requires equal skill, effort, and responsibility and which are performed under similar working conditions. An employer paying wages in violation of this Section may not reduce the wages of any other employee in order to comply with this Section.

B. It shall be unlawful discrimination in employment for an employment agency to intentionally fail or refuse to refer for employment, or otherwise to intentionally discriminate against, any individual because of his race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin, or to intentionally classify or refer for employment any individual on the basis of his race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin.

C. It shall be unlawful discrimination in employment for a labor organization to engage in any of the following practices:

(1) Intentionally exclude or intentionally expel from its membership, or otherwise intentionally discriminate against, any individual because of his race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin.

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(2) Intentionally limit, segregate, or classify its membership or applicants for membership, or intentionally classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin.

(3) Intentionally cause or attempt to cause an employer to discriminate against an individual in violation of this Section.

D. It shall be unlawful discrimination in employment for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of his race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

E. It shall be unlawful discrimination in employment for an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by an employer or membership in or any classification or referral for employment by a labor organization, or relating to any classification or referral for employment by an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by a joint labor-management committee, indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin. However, a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, **age, sexual orientation, gender identity or expression**, or national origin when religion, sex, or national origin is a bona fide

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occupational qualification for employment.

F. It shall be unlawful discrimination in employment for an insurer to engage in any of the following practices:

(1) Intentionally fail or refuse to appoint or to discharge any insurance agent, or otherwise to intentionally discriminate against any insurance agent with respect to his compensation, terms, conditions, or privileges of employment, because of the insurance agent's race, color, religion, sex, **age, sexual orientation, gender identity or expression**, or national origin.

(2) Intentionally limit, segregate, or classify his insurance agents or applicants for an insurance agent in any way which would deprive or tend to deprive any insurance agent or applicant of employment opportunities, or otherwise adversely affect his status as an insurance agent or applicant because of the insurance agent's or applicant's race, color, religion, sex, **age, sexual orientation, gender identity or expression**, or national origin.

G. Nothing contained in this Section shall be construed so as to create a cause of action against an employer, employment agency, labor organization, or insurer for employment practices pursuant to any affirmative action plan.

H. Notwithstanding any other provision of this Section, it shall not be unlawful discrimination in employment for:

(1) An employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program on the basis of his religion, sex, **age, sexual orientation, gender identity or expression,** or national origin in those certain instances where religion, sex, **age, sexual orientation, gender identity or expression,** or national origin is a bona fide occupational qualification reasonably necessary for the normal operation of that particular business or enterprise.

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(2) A school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(3) An employer to apply different standards of compensation or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or any other differential based on any factor other than sex, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin.

(4) An employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, **age, sexual orientation, gender identity or expression,** or national origin.

* * *

§2043. Members

* * *

B.(1) In making the appointments, the governor shall, as nearly as practicable, appoint members in a manner that is representative of the population of the regions of the state and shall consider factors including but not limited to race, color, religion, gender, **age, sexual orientation, gender identity or expression, disability,** and national origin.

* * *

Section 9. R.S. 27:27.2(B) and 27.4 are hereby amended and reenacted to read as

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follows:

§27.2. Board designated excluded persons

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B. The board and the division shall have the authority to place persons on the excluded list. The board or division may not place a person on the list required by this Section due to the person's race, color, creed, national origin, sex, **sexual orientation, gender identity or expression,** or disability, as defined in R.S. 51:2232~~(11)~~.

* * *

§27.4. Exclusion or ejection of persons

A. Any licensee, permittee, or the casino gaming operator may exclude or eject any person for any reason, except race, color, creed, national origin, sex, **sexual orientation, gender identity or expression,** or disability as defined in R.S. 51:2232~~(11)~~.

B. Any licensee or casino gaming operator licensed pursuant to the provisions of this Title, and any employee of a licensee or casino gaming operator shall not be liable for any monetary damages or any other remedy in any judicial proceeding as a result of the exclusion or removal of any person for any reason, except race, color, creed, national origin, sex, **sexual orientation, gender identity or expression,** or disability as defined in R.S. 51:2232~~(11)~~.

Section 10. R.S. 37:1025(B), 1107(C), 1360.23(H), 1437(D), 1455(A)(28), 2654(C)(1), 2719, 3425(C), and 3447(C) are hereby amended and reenacted to read as follows:

§1025. Qualifications of applicants to the drug administration course

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B. There will be no discrimination in selection of medication attendants for reason of race, color, creed, religion, **age, sex, sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(11)~~, or national origin.

* * *

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§1107. Requirements for licensed professional counselor; provisional license; temporary license or temporary provisional license; renewal of license or temporary provisional license

* * *

C. No license shall be denied any applicant based upon the applicant's race, religion, creed, national origin, sex, ~~or physical impairment~~ **age, sexual orientation, gender identity or expression, or disability**.

* * *

§1360.23. Powers and duties of the board

* * *

H. The board shall ensure that applicants for the program shall not be discriminated against due to race, color, creed, age, sex, **sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(3)~~, or national origin.

* * *

§1437. Application for license

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D. Every applicant for a license shall submit a sworn statement attesting that he has knowledge of and understands the provisions of the Fair Housing Act of 1968 and the Louisiana Equal Housing Opportunity Act, and any amendments thereto or any successor legislation subsequently following, and that he shall not induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into an area, subdivision, or neighborhood of a person or persons of a particular race, color, religion, **age, sex, sexual orientation, gender identity or expression, disability,** or national origin.

* * *

§1455. Causes for censure, suspension, or revocation of license, registration, or certification

A. The commission may censure a licensee, registrant, or certificate holder or conditionally or unconditionally suspend or revoke any license, registration, or

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certificate issued under this Chapter, levy fines or impose civil penalties not to exceed five thousand dollars, or impose continuing education requirements on licensees, registrants, or certificate holders if, in the opinion of the commission, a licensee, registrant, or certificate holder is performing or attempting to perform or has performed or has attempted to perform any of the following acts:

* * *

(28) Having been finally adjudicated and found guilty for refusing, because of race, color, national origin, sex, **age, sexual orientation, gender identity or expression, disability,** or ethnic group, to show, sell, or rent any real estate for sale or rent to qualified purchasers or renters or for any violation of the Fair Housing Act of 1968 or the Louisiana Equal Housing Opportunity Act ~~and/or~~ **including** any amendments thereto or any successor legislation subsequently following.

* * *

§2654. Board of examiners; creation; membership; appointment; terms; chair; quorum

* * *

C.(1) Appointment to the board shall be made without regard to race, creed, sex, religion, **sexual orientation, gender identity or expression, disability,** or national origin of the appointee. The Louisiana Speech-Language-Hearing Association, shall within not less than thirty days prior to the expiration of each term of office, submit to the governor a list of at least three names for each respective professional service category of board member, except the physician member and the public member, selected by all licensed speech-language pathologists and audiologists in this state, from which the governor shall make his appointment to fill the office for the next succeeding term.

* * *

§2719. Discrimination

No license, certificate, or registration shall be denied any applicant based upon the applicant's race, religion, creed, national origin, sex, ~~or physical impairment~~

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~~so long as the physical impairment does not interfere with the performance of professional duties~~ **age, sexual orientation, gender identity or expression, or disability**.

* * *

§3425. Qualifications for licensure; renewal

* * *

C. No license shall be denied any applicant based upon the applicant's race, religion, creed, national origin, sex, **age, sexual orientation, gender identity or expression,** ~~or physical impairment~~ **or disability**.

* * *

§3447. Requirements for licensed professional vocational counselor; renewal of license

* * *

C. No license shall be denied any applicant based upon the applicant's race, religion, creed, national origin, sex, ~~or physical impairment~~ **age, sexual orientation, gender identity or expression, or disability**.

Section 11. R.S. 38:2315 is hereby amended and reenacted to read as follows:

§2315. Equal opportunity

Every person shall be guaranteed equal employment opportunities in the selection of persons for professional services and such selection of persons for professional services and such selection shall not discriminate against any person because of race, religion, national ancestry, age, sex, ~~or physical condition~~ **sexual orientation, gender identity or expression, or disability**. If any person or persons violates the provisions of this ~~section~~ **Section**, they shall be subject to the same penalties as provided in R.S. 38:2314(A).

Section 12. R.S. 39:1411 is hereby amended and reenacted to read as follows:

§1411. No state assistance for discriminatory programs

No person in the State of Louisiana shall, on the ground of race, color, religion, **age, sex, sexual orientation, gender identity or expression, disability,** or

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national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving state financial assistance.

Section 13. R.S. 40:1133.1(C), 2113.4(A), 2113.6(A)(1) and (B), 2120.35(B)(5), 2125(B), 2403(H)(1), and 2504 are hereby amended and reenacted to read as follows:

§1133.1. Emergency medical personnel training; licensure

* * *

C. The bureau shall affirmatively provide that there is no discrimination toward any individual in the licensure process on the basis of race, religion, creed, national origin, sex, **sexual orientation, gender identity or expression, disability,** or age.

* * *

§2113.4. Duty to provide services; penalty

A. Any general hospital licensed under this Part, which is owned or operated, or both, by a hospital service district, which benefits from being financed by the sale of bonds that are exempt from taxation as provided by Louisiana law, or which receives any other type of financial assistance from the state of Louisiana and which offers emergency room services to the public and is actually offering such services at the time, shall make its emergency services available to all persons residing in the territorial area of the hospital regardless of whether the person is covered by private, federal Medicare or Medicaid, or other insurance. Each person shall receive these services free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, ~~or physical condition and~~ **sexual orientation, gender identity or expression, disability, or** economic status. However, in no event shall emergency treatment be denied to anyone on account of inability to pay. Any such hospital found to be in violation of this Section shall not receive any client referrals from the Department of Health and Hospitals.

* * *

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§2113.6. Emergency diagnoses and services; denial for inability to pay; discriminatory practices

A.(1) No officer, employee, or member of the medical staff of a hospital licensed by the Department of Health and Hospitals shall deny emergency services available at the hospital to a person diagnosed by a licensed physician as requiring emergency services because the person is unable to establish his ability to pay for the services or because of race, religion, or national ancestry. In addition, the person needing the services shall not be subjected by any such person to arbitrary, capricious, or unreasonable discrimination based on age, sex, ~~physical condition,~~ **sexual orientation, gender identity or expression, disability,** or economic status.

* * *

B. No officer, employee, or member of the medical staff of a hospital licensed by the Department of Health and Hospitals shall deny a person in need of emergency services access to diagnosis by a licensed physician on the staff of the hospital because the person is unable to establish his ability to pay for the services or because of race, religion, or national ancestry. In addition, the person needing the services shall not be subjected by any such person to arbitrary, capricious, or unreasonable discrimination based on age, sex, ~~physical condition,~~ **sexual orientation, gender identity or expression, disability,** or economic status.

* * *

§2120.35. Rules, regulations, and standards for licenses

* * *

B. The department shall promulgate minimum standards for adult brain injury facilities as defined in this Part which, at a minimum, shall:

* * *

(5) Prohibit discrimination by brain injury facilities on the basis of race, color, creed, sex, **age, sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(11)~~, national origin, or ancestry.

* * *

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§2125. Age; continuation of assistance; discrimination

* * *

B. Such assistance shall not be provided where an institution or provider discriminates against those seeking services provided herein on the basis of race, color, creed, **sex, sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(11)~~, or national origin.

* * *

§2403. Council on Peace Officer Standards and Training

* * *

H.(1) The council may establish and implement curricula and publish training materials to train peace officers to identify, respond to, and report all crimes which are directed against individuals or groups, or their property, by reason of their actual or perceived race, age, gender, **gender identity or expression,** religion, color, creed, disability, sexual orientation, national origin, or ancestry.

* * *

§2504. Authority to contract

The Interagency Recreation Board may enter into contracts with the private sector for the maintenance, upkeep, and management of golf courses, tennis courts, ball parks, and recreation facilities constructed under the provisions of this Chapter and may enter into other such contracts as may be necessary or appropriate to implement the provisions of this Chapter or any other functions of the board as provided by law, all in accordance with applicable laws. However, any such private contractor shall not in any way prohibit or restrict public access to any recreation facilities constructed under the provisions of this Chapter on the basis of race, sex, creed, **age, sexual orientation, gender identity or expression, disability,** or color.

Section 14. R.S. 46:437.11(A), 1104, 1134, 1154, the introductory paragraph of 1407(B)(1)(e) and (F), 1995, and 2205 are hereby amended and reenacted to read as follows:

§437.11. Provider agreements

A. The department shall make payments from medical assistance programs

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funds for goods, services, or supplies rendered to recipients to any person who has a provider agreement in effect with the department, who is complying with all federal and state laws and rules pertaining to the medical assistance programs, and who agrees that no person shall be subjected to discrimination under the medical assistance programs because of race, creed, ethnic origin, sex, age, ~~or physical condition~~ **sexual orientation, gender identity or expression, or disability**.

* * *

§1104. Application consideration; evaluation

It shall be the duty of the board of commissioners to receive, consider, evaluate, and allow or disallow all applications for scholarships made by eligible applicants. The board of commissioners shall make careful and full investigation of the ability and qualifications of each applicant. The board of commissioners shall provide that an affirmative action program for the selection of recipients be established which shall include that no discrimination occur on the basis of race, creed, sex, age, **sexual orientation, gender identity or expression, disability,** or ethnic origin. The board of commissioners shall establish and publish rules on the selection process of the recipient which shall preclude the appearance of and the possibility of nepotism. The board of commissioners shall notify each applicant selected to receive a scholarship of his selection and shall also notify the dean of the medical school to which the recipient has been admitted or in which he is engaged in study, or the chief administrator of any internship or residency program in which the applicant is engaged.

* * *

§1134. Application consideration; evaluation

It shall be the duty of the board of commissioners to receive, consider, evaluate, and allow or disallow all applications for scholarships made by eligible applicants. The board of commissioners shall make careful and full investigation of the ability and qualifications of each applicant. The board of commissioners shall provide that an affirmative action program for the selection of recipients be

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established which shall include that no discrimination occur on the basis of race, creed, sex, age, **sexual orientation, gender identity or expression, disability,** or ethnic origin. The board of commissioners shall establish and publish rules on the selection process of the recipient which shall preclude the appearance of and the possibility of nepotism. The board of commissioners shall notify each applicant selected to receive a scholarship of his selection and shall also notify the dean of the nursing school or office of financial assistance at the school where the student is registered.

* * *

§1154. Application consideration; evaluation

The board shall receive, consider, evaluate, and allow or disallow all applications for scholarships made by eligible applicants. The board shall make careful and full investigation of the ability and qualifications of each applicant. The board shall ensure that no discrimination occurs on the basis of race, creed, sex, age, **sexual orientation, gender identity or expression, disability,** or ethnic origin. The board shall establish and publish rules on the selection process of the recipient which shall preclude the appearance of and the possibility of nepotism. The board shall notify each applicant selected to receive a scholarship of his selection and shall also notify the dean of the school or office of financial assistance at the school where the student is registered.

* * *

§1407. Rules, regulations, and standards for licenses

* * *

B.(1) The regulations developed by the department, at a minimum, shall accomplish all of the following:

* * *

(e) Prohibit discrimination by specialized providers on the basis of race, color, creed, sex, **sexual orientation, gender identity or expression,** national origin, disability, ancestry, or whether the child is being breastfed. However, nothing in this

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Subparagraph shall be construed to affect, limit, or otherwise restrict any of the following:

* * *

F. Discrimination by specialized providers and child-placing agencies on the basis of race, color, creed, sex, **sexual orientation, gender identity or expression,** national origin, disability as defined by R.S. 51:2232~~(11)~~, ancestry, or whether the child is being breastfed is prohibited. However, this shall not restrict the hiring or admission policies of a church or religious organization, which may give preference in hiring or admission to members of the church or denomination.

* * *

§1995. Nondiscrimination

No citizen of this state shall on the ground of sex, **sexual orientation, gender identity or expression, disability,** age, race, color, religion, or national origin be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this Chapter.

* * *

§2205. Nondiscrimination of policy

All organizations receiving grants under this Chapter shall provide the required transportation services without regard to the race, religion, sex, **sexual orientation, gender identity or expression,** national ancestry, place of residence or income level of the persons needing the assistance.

Section 15. R.S. 47:37(C) and 287.755(C) are hereby amended and reenacted to read as follows:

§37. Tax credit for contributions to educational institutions

* * *

C. There shall be allowed a credit against the tax liability due under the income tax for donations, contributions, or sales below cost of tangible movable property made to educational institutions in the state of Louisiana. The credit

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allowed by this Section shall be computed at the rate of twenty-nine percent of such property's value, as defined herein, or, in the case of a sale below cost, twenty-nine percent of the difference between the price received for the tangible movable property by the taxpayer and the value of the property as defined herein. The credit shall be limited to the total of the tax liability for the taxable year for which it is being claimed and shall be in lieu of the deductions from gross income provided for in R.S. 47:57. The credit shall not be allowed if the taxpayer arbitrarily, capriciously, or unreasonably discriminates against any person because of race, religion, **age, sex, sexual orientation, gender identity or expression, disability,** ideas, beliefs, or affiliations.

* * *

§287.755. Tax credit for contributions to educational institutions

* * *

C. There shall be allowed a credit against the tax liability due under the income tax for donations, contributions, or sales below cost of tangible movable property made to educational institutions in the state of Louisiana. The credit allowed by this Section shall be computed at the rate of twenty-nine percent of such property's value, as defined herein, or, in the case of a sale below cost, twenty-nine percent of the difference between the price received for the tangible movable property by the taxpayer and the value of the property as defined herein. The credit shall be limited to the total of the tax liability for the taxable year for which it is being claimed and shall be in lieu of the deductions from gross income provided for in R.S. 47:57. The credit shall not be allowed if the taxpayer arbitrarily, capriciously, or unreasonably discriminates against any person because of race, religion, **age, sex, sexual orientation, gender identity or expression, disability,** ideas, beliefs, or affiliations.

* * *

Section 16. R.S. 48:274.1(C) is hereby amended and reenacted to read as follows:

§274.1. Placing of specific information logo signs on interstate highways; contracts

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with third parties

* * *

C. Each business ~~indentified~~ **identified** on a specific information logo sign shall give written assurance to the department of its conformity with all applicable laws concerning the provision of public accommodations without ~~regard to~~ **discrimination based on** race, religion, color, sex, **age, sexual orientation, gender identity or expression, disability,** or national origin, and shall not be in breach of that assurance.

* * *

Section 17. R.S. 49:145 and 146(A)(1) are hereby amended and reenacted to read as follows:

§145. Use of public buildings; discrimination

No person shall be denied access to any public meeting in any public building or facility used or owned by the state or any political subdivision of the state because of race, color, creed, **age, sex, sexual orientation, gender identity or expression,** or physical or mental disability. For purposes of this Section, a public meeting is a meeting which is advertised as being open to the general public.

§146. Facilities to which public invited; discrimination

A.(1) In access to public areas, public accommodations, and public facilities, every person shall be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, **sexual orientation, gender identity or expression,** or physical or mental disability.

* * *

Section 18. R.S. 51:2231(A), 2232(5), 2235(16)(a), 2236(A), 2237(2), 2247, 2248, 2254(1) and (2), the introductory paragraph of 2255(A), 2602(A), 2606(A)(1) through (5), 2607(A) and (C), and 2608 are hereby amended and reenacted to read as follows:

§2231. Statement of purpose; limitation on prohibitions against discrimination because of age

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A. It is the purpose and intent of the legislature by this enactment to provide for execution within Louisiana of the policies embodied in the Federal Civil Rights Act of 1964, 1968, and 1972 and the Age Discrimination in Employment Act of 1967, as amended; and to assure that Louisiana has appropriate legislation prohibiting discrimination in public accommodations sufficient to justify the deferral of cases by the federal Equal Employment Opportunity Commission, the executive director of the Louisiana Workforce Commission, and the Department of Justice under those statutes; to safeguard all individuals within the state from discrimination because of race, creed, color, religion, sex, **sexual orientation, gender identity or expression,** age, disability, or national origin in connection with employment and in connection with public accommodations; to protect their interest in personal dignity and freedom from humiliation; to make available to the state their full productive capacities in employment; to secure the state against domestic strife and unrest which would menace its democratic institutions; to preserve the public safety, health, and general welfare; and to further the interest, rights, and privileges within the state.

* * *

§2232. Definitions

As used in this Chapter:

* * *

(5) "Discriminatory practice in connection with public accommodations" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, creed, color, religion, sex, **sexual orientation, gender identity or expression,** age, disability, or national origin.

* * *

§2235. Powers and duties of commission

In the enforcement of this Chapter or of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, or R.S. 23:664, the commission shall have the

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following powers and duties:

* * *

(16) To create local or statewide advisory committees that in its judgment will aid in effectuating the purposes of this Chapter. Members of such committees shall serve without pay but shall be reimbursed for expenses incurred in such service. The commission may make provision for technical and clerical assistance to the committees. The commission may empower these committees:

(a) To study and report on problems of discrimination because of race, creed, color, religion, sex, **sexual orientation, gender identity or expression,** age, disability, or national origin.

* * *

§2236. Parishes and municipalities may prohibit discrimination

A. Parishes and municipalities may adopt and enforce ordinances, orders, and resolutions prohibiting all forms of discrimination, including discrimination on the basis of race, creed, color, religion, national origin, sex, **sexual orientation, gender identity or expression**, disability, or age, and to prescribe penalties for violations thereof, such penalties being in addition to the remedial orders and enforcement herein authorized.

* * *

§2237. Local human rights commissions

Any parish or municipality, or one or more parishes and municipalities acting jointly, may create a human rights commission, hereinafter referred to as a "local commission":

* * *

(2) To safeguard all individuals within its jurisdiction from discrimination because of race, creed, color, religion, national origin, sex, **sexual orientation, gender identity or expression,** disability, or age.

* * *

§2247. Public accommodations, resorts, amusements; discriminatory practices

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prohibited

Except as otherwise provided in this Chapter, it is a discriminatory practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement, as defined in this Chapter, on the grounds of race, creed, color, religion, sex, **sexual orientation, gender identity or expression,** age, disability, as defined in R.S. 51:2232~~(11)~~, or national origin.

* * *

§2248. Advertisement of accommodations, goods, services

It shall be an unlawful practice for a person, directly or indirectly, to publish, circulate, issue, display, mail, or cause to be published, circulated, issued, displayed, or mailed, a written, printed, oral, or visual communication, notice, or advertisement which indicates that the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement shall be refused, withheld from, or denied an individual on account of his race, color, religion, **age, sex, sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(11)~~, or national origin, or that the patronage of or presence at a place of public accommodations, resort, or amusement of an individual on account of his race, color, religion, **age, sex, sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(11)~~, or national origin is objectionable, unwelcome, unacceptable, or undesirable.

§2254. Unlawful financial practices

It shall be an unlawful practice for a financial institution or an individual employed by or acting on behalf of a financial institution:

(1) To discriminate against an individual because of the race, creed, color, religion, national origin, sex, **age, sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(11)~~, or age of the individual or the present or prospective owner, tenant, or occupant of the immovable property or of a member, stockholder, director, officer, employee, or representative of any of these,

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in the granting, withholding, extending, modifying, or renewing of rates, terms, conditions, privileges, or other provisions of financial assistance or in the extension of services in connection therewith.

(2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates directly or indirectly a limitation, specification, or discrimination, as to race, creed, color, religion, **age, sex, sexual orientation, gender identity or expression,** disability, as defined in R.S. 51:2232~~(11)~~, or national origin, or an intent to make such a limitation, specification, or discrimination.

* * *

§2255. Unlawful practices in connection with credit transactions; exceptions

A. It shall be an unlawful practice for any person, whether acting for himself or another, in connection with any credit transaction because of race, creed, color, religion, national origin, disability, as defined in R.S. 51:2232~~(11)~~, ~~or~~ sex**, age, sexual orientation, gender identity or expression**:

* * *

§2602. Policy

A. The legislature finds and declares that persons in this state who seek a place to live should be able to find such housing whenever it is available. Further, in many localities there may be housing shortages. All persons should therefore be able to compete for available housing on an open, fair, and equitable basis, regardless of race, color, religion, sex, **age, sexual orientation, gender identity or expression,** disability, familial status, or national origin.

* * *

§2606. Discrimination in sale or rental of housing and other prohibited practices

A. As made applicable by R.S. 51:2604, and except as exempted by Subsection B thereof and R.S. 51:2605, it is unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a

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dwelling to any person because of race, color, religion, sex, **age, sexual orientation, gender identity or expression,** familial status, or national origin.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, **age, sexual orientation, gender identity or expression,** familial status, or national origin.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, **age, sexual orientation, gender identity or expression,** disability, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, **age, sexual orientation, gender identity or expression,** disability, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, **age, sexual orientation, gender identity or expression,** disability, familial status, or national origin.

* * *

§2607. Discrimination in residential real estate related transactions

A. It is unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, **age, sexual orientation, gender identity or expression,** disability, familial status, or national origin.

* * *

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C. Nothing in this Chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, **age, sexual orientation, gender identity or expression,** disability, or familial status.

§2608. Discrimination in provision of brokerage services

It is unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, **age, sexual orientation, gender identity or expression,** disability, familial status, or national origin.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

SB 332 Original 2016 Regular Session Morrell

Proposed law provides with respect to discrimination in various provisions of law. In general, adds sexual orientation and gender identity or expression in provisions prohibiting or describing discrimination. Also adds age, sex, or disability in a number of such provisions.

Proposed law (R.S. 23:302(9) & (10)) add definitions of "sexual orientation" and "gender identity or expression" for purposes of the Louisiana Employment Discrimination Law and provisions for unlawful discrimination in employment. Defines "sexual orientation" as an individual's actual or perceived heterosexuality, homosexuality, or bisexuality. Defines "gender identity or expression" as a gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth.

Present law (R.S. 12:1041(A)) authorizes the attorney general to institute civil proceedings to annul, vacate, or forfeit the articles of incorporation and franchise of a domestic corporation, or to revoke the certificate of authority to transact business in this state of a foreign corporation when:

(1) A corporation officer or person controlling corporate management or operation, with the knowledge of the president and a majority of the board of directors or under circumstances such that they should have knowledge, is engaged in any unlawful activity aimed at organized homosexuality, organized crimes against nature, organized prostitution, organized gambling, organized narcotics, organized extortion or organized embezzlement; or

(2) A director, officer, employee, agent, or stockholder acting for such corporation has, in conducting the corporation's affairs, purposely engaged in any unlawful activity aimed at homosexuality, crimes against nature, intimidation and coercion, bribery, prostitution, gambling, extortion, embezzlement, unlawful sale of narcotics or other illegal conduct, with the knowledge of the president and majority of the board of

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directors or under such circumstances that they should have knowledge, with the intent to compel or induce other persons, firms, or corporations to deal with such corporation or engage in such illegal conduct; and

(3) For the prevention of future illegal conduct of the same character, the public interest requires the corporation charter to be annulled, vacated, or forfeited and the corporation to be dissolved or the certificate of authority to transact business in the state revoked.

Proposed law retains present law except removes references to homosexuality.

Effective August 1, 2016.

(Amends R.S. 4:193(B), R.S. 9:3583, R.S. 12:1041, R.S. 14:107.2(A) and 326(C), R.S. 15:1204.2(B)(4) and 1402(A), R.S. 17:111, 158(F), 1676(D), 2053(D)(3), 3402(A), and 3991(B)(3), R.S. 22:1452(C)(25), 1454(A), and 1964(7)(f), R.S. 23:332 and 2043(B)(1), R.S. 27:27.2(B) and 27.4, R.S. 37:1025(B), 1107(C), 1360.23(H), 1437(D), 1455(A)(28), 2654(C)(1), 2719, 3425(C), and 3447(C), R.S. 38:2315, R.S. 39:1411, R.S. 40:1133.1(C), 2113.4(A), 2113.6(A)(1) and (B), 2120.35(B)(5), 2125(B), 2403(H)(1), and 2504, R.S. 46:437.11(A), 1104, 1134, 1154, 1407(B)(1)(e)(intro para) and (F), 1995, and 2205, R.S. 47:37(C) and 287.755(C), R.S. 48:274.1(C), R.S. 49:145 and 146(A)(1), and R.S. 51:2231(A), 2232(5), 2235(16)(a), 2236(A), 2237(2), 2247, 2248, 2254(1) and (2), 2255(A) (intro para), 2602(A), 2606(A)(1)-(5), 2607(A) and (C), and 2608; adds R.S. 23:302(9) and (10))

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