

2024 Regular Session

HOUSE BILL NO. 234

BY REPRESENTATIVE BOYD

EMPLOYMENT/DISCRIMINATION: Provides relative to employment discrimination based on gender identity and sexual orientation

1 AN ACT

2 To amend and reenact R.S. 23:302(introductory paragraph) and 332(A)(1) and (2), (B),  
3 (C)(1) and (2), (D) through (F), (H)(1), (3), and (4), and (I) and to enact R.S.  
4 23:302(11) and (12) and 332(J), relative to employment discrimination; to provide  
5 definitions; to provide for intentional discrimination in employment; and to provide  
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:302(introductory paragraph) and 332(A)(1) and (2), (B), (C)(1)  
9 and (2), (D) through (F), (H)(1), (3), and (4), and (I) are hereby amended and reenacted and  
10 R.S. 23:302(11) and (12) and 332(J) are hereby enacted to read as follows:

11 §302. Definitions

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

14 \* \* \*

15 (11) "Gender identity" means a gender-related identity, appearance, or  
16 behavior, regardless of the individual's physiology or designated sex at birth.  
17 Gender-related identity may be shown by providing evidence, including but not  
18 limited to medical history, care or treatment of the gender-related identity, consistent  
19 and uniform assertion of the gender-related identity, or any other evidence that the

1 gender-related identity is sincerely held as a part of a person's core identity provided,  
2 however, that gender-related identity is not asserted for any improper purpose.

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

5 \* \* \*

6 §332. Intentional discrimination in employment

7 A. It shall be unlawful discrimination in employment for an employer to  
8 engage in any of the following practices:

9 (1) Intentionally fail or refuse to hire or to discharge any individual, or  
10 otherwise to intentionally discriminate against any individual with respect to  
11 compensation, or terms, conditions, or privileges of employment, because of the  
12 individual's race, color, religion, sex, sexual orientation, gender identity, national  
13 origin, or natural, protective, or cultural hairstyle.

14 (2) Intentionally limit, segregate, or classify employees or applicants for  
15 employment in any way which would deprive or tend to deprive any individual of  
16 employment opportunities, or otherwise adversely affect the individual's status as an  
17 employee, because of the individual's race, color, religion, sex, sexual orientation,  
18 gender identity, national origin, or natural, protective, or cultural hairstyle.

19 \* \* \*

20 B. It shall be unlawful discrimination in employment for an employment  
21 agency to intentionally fail or refuse to refer for employment, or otherwise to  
22 intentionally discriminate against, any individual because of his race, color, religion,  
23 sex, sexual orientation, gender identity, or national origin, or to intentionally classify  
24 or refer for employment any individual on the basis of his race, color, religion, sex,  
25 sexual orientation, gender identity, national origin, or natural, protective, or cultural  
26 hairstyle.

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

1 (1) Intentionally exclude or intentionally expel from its membership, or  
2 otherwise intentionally discriminate against, any individual because of his race,  
3 color, religion, sex, sexual orientation, gender identity, national origin, or natural,  
4 protective, or cultural hairstyle.

5 (2) Intentionally limit, segregate, or classify its membership or applicants for  
6 membership, or intentionally classify or fail or refuse to refer for employment any  
7 individual in any way which would deprive or tend to deprive any individual of  
8 employment opportunities, or would limit such employment opportunities, or  
9 otherwise adversely affect his status as an employee or as an applicant for  
10 employment, because of such individual's race, color, religion, sex, sexual  
11 orientation, gender identity, national origin, or natural, protective, or cultural  
12 hairstyle.

13 \* \* \*

14 D. It shall be unlawful discrimination in employment for any employer, labor  
15 organization, or joint labor-management committee controlling apprenticeship or  
16 other training or retraining, including on-the-job training programs, to discriminate  
17 against any individual because of his race, color, religion, sex, sexual orientation,  
18 gender identity, national origin, or natural, protective, or cultural hairstyle in  
19 admission to, or employment in, any program established to provide apprenticeship  
20 or other training.

21 E. It shall be unlawful discrimination in employment for an employer,  
22 employment agency, labor organization, or joint labor-management committee  
23 controlling apprenticeship or other training or retraining, including on-the-job  
24 training programs, to print or publish, or cause to be printed or published, any notice  
25 or advertisement relating to employment by an employer or membership in or any  
26 classification or referral for employment by a labor organization, or relating to any  
27 classification or referral for employment by an employment agency, or relating to  
28 admission to, or employment in, any program established to provide apprenticeship  
29 or other training by a joint labor-management committee, indicating any preference,

1 limitation, specification, or discrimination based on race, color, religion, sex, sexual  
2 orientation, gender identity, national origin, or natural, protective, or cultural  
3 hairstyle. However, a notice or advertisement may indicate a preference, limitation,  
4 specification, or discrimination based on religion, sex, sexual orientation, gender  
5 identity, or national origin when religion, sex, sexual orientation, gender identity, or  
6 national origin is a bona fide occupational qualification for employment.

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

9 (1) Intentionally fail or refuse to appoint or to discharge any insurance agent,  
10 or otherwise to intentionally discriminate against any insurance agent with respect  
11 to his compensation, terms, conditions, or privileges of employment, because of the  
12 insurance agent's race, color, religion, sex, sexual orientation, gender identity,  
13 national origin, or natural, protective, or cultural hairstyle.

14 (2) Intentionally limit, segregate, or classify his insurance agents or  
15 applicants for an insurance agent in any way which would deprive or tend to deprive  
16 any insurance agent or applicant of employment opportunities, or otherwise  
17 adversely affect his status as an insurance agent or applicant because of the insurance  
18 agent's or applicant's race, color, religion, sex, sexual orientation, gender identity,  
19 national origin, or natural, protective, or cultural hairstyle.

20 \* \* \*

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

23 (1) An employer to hire and employ employees, for an employment agency  
24 to classify or refer for employment any individual, for a labor organization to  
25 classify its membership or to classify or refer for employment any individual, or for  
26 an employer, labor organization, or joint labor-management committee controlling  
27 apprenticeship or other training or retraining programs to admit or employ any  
28 individual in any such program on the basis of his religion, sex, sexual orientation,  
29 gender identity, or national origin in those certain instances where religion, sex,

1 sexual orientation, gender identity, or national origin is a bona fide occupational  
2 qualification reasonably necessary for the normal operation of that particular  
3 business or enterprise.

4 \* \* \*

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

13 (4) An employer to give and to act upon the results of any professionally  
14 developed ability test, provided that such test, its administration, or action upon the  
15 results is not designed, intended, or used to discriminate because of race, color,  
16 religion, sex, sexual orientation, gender identity, national origin, or natural,  
17 protective, or cultural hairstyle.

18 I. Nothing in this Section shall be interpreted to infringe upon the freedom  
19 of expression, association, or the free exercise of religion protected by the First  
20 Amendment of the United States Constitution and Article I, Section 8 of the  
21 Constitution of Louisiana.

22 † J. "Natural, protective, or cultural hairstyle" shall include but is not limited  
23 to afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair  
24 styled to protect hair texture or for cultural significance.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 234 Original

2024 Regular Session

Boyd

**Abstract:** Prohibits intentional employment discrimination based on gender identity and sexual orientation.

Present law provides definitions for employee, employer, employment agency, genetic monitoring, genetic services, genetic test, labor organization, medically necessary, preventive cancer screening, and protected genetic information.

Proposed law retains present law and adds definitions for gender identity and sexual orientation.

Present law provides that it shall be unlawful for an employer to discriminate against any individual based on race, color, religion, sex, national origin, or natural, protective, or cultural hairstyle.

Proposed law retains present law and adds that it is unlawful for an employer to also discriminate against any individual based on sexual orientation and gender identity.

Present law provides that it shall be unlawful for a labor organization to discriminate against any member or applicants for membership based on race, color, religion, sex, national origin, or natural, protective, or cultural hairstyle.

Proposed law retains present law and adds that it is unlawful for a labor organization to also discriminate against any individual based on sexual orientation and gender identity.

Present law provides that it shall not be unlawful for an employer to discriminate against any individual based on religion, sex, or national origin in certain instances where religion, sex, or national origin is a bona fide occupational qualification that is reasonably necessary for that particular business or enterprise.

Proposed law retains present law and adds that it is not unlawful under those circumstances for an employer to discriminate against any individual based on sexual orientation and gender identity.

Proposed law provides that no provision of present law or proposed law regarding intentional discrimination in employment shall be interpreted to infringe upon the freedom of expression, association, or the free exercise of religion.

(Amends R.S. 23:302(intro. para.) and 332(A)(1) and (2), (B), (C)(1) and (2), (D) - (F), (H)(1), (3), and (4), and (I); Adds R.S. 23:302(11) and (12) and 332(J))