

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.

1 Be it enacted by the Legislature of Louisiana:

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

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

4 * * *

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

8 * * *

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

10 §3583. Discrimination prohibited

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

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

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

19 §1041. Suppression of criminally operated businesses by domestic and foreign
20 corporations; proceedings

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

25 ~~1~~**(1)** Any of the corporation officers or any other person controlling the
26 management or operation of such corporation, with the knowledge of the president
27 and a majority of the board of directors or under such circumstances that the
28 president and a majority of the directors should have knowledge, is a person or
29 persons engaged in activities such as organized violent revolutionary or unlawful

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

7 ~~2.~~**(2)** A director, officer, employee, agent or stockholder acting for, through
8 or on behalf of such corporation has, in conducting the corporation's affairs,
9 purposely engaged in a persistent course of violent revolutionary or unlawful activity
10 aimed at the overthrow of the government of the State of Louisiana or any of its
11 political subdivisions, or any boards, commissions, agency or official or any
12 unlawful activity aimed at ~~homosexuality~~, crimes against nature, intimidation and
13 coercion, bribery, prostitution, gambling, extortion, embezzlement, unlawful sale of
14 narcotics or other illegal conduct, with the knowledge of the president and majority
15 of the board of directors or under such circumstances that the president and a
16 majority of the directors should have knowledge, with the intent to compel or induce
17 other persons, firms or corporations to deal with such corporation or engage in any
18 such illegal conduct, and

19 ~~3.~~**(3)** For the prevention of future illegal conduct of the same character, the
20 public interest requires the charter of the corporation to be annulled, vacated or
21 forfeited and the corporation to be dissolved or the certificate of authority to transact
22 business in this state revoked.

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

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

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

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

4 §107.2. Hate crimes

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

22 * * *

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

25 * * *

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

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

11 * * *

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

14 §1204.2. Creation of system; functions; powers; duties

15 * * *

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

18 * * *

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

28 * * *

29 §1402. Legislative findings and declaration

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

* * *

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

* * *

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

* * *

20 §1676. Recipients and awards of scholarships

* * *

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

* * *

29 §2053. Payments to independent institutions of higher learning for educating

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Louisiana residents

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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

* * *

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,

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

11 * * *

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

14 §1452. Purpose of rate regulation; construction; definitions

15 * * *

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

17 * * *

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

23 * * *

24 §1454. Rating standards and methods

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

* * *

§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

1 engage in any of the following practices:

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

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

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

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

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

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

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

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

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

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

1 occupational qualification for employment.

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

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

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

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

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

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

1 follows:

2 §27.2. Board designated excluded persons

3 * * *

4 B. The board and the division shall have the authority to place persons on the
5 excluded list. The board or division may not place a person on the list required by
6 this Section due to the person's race, color, creed, national origin, sex, **sexual**
7 **orientation, gender identity or expression,** or disability, as defined in R.S.
8 51:2232(~~HH~~).

9 * * *

10 §27.4. Exclusion or ejection of persons

11 A. Any licensee, permittee, or the casino gaming operator may exclude or
12 eject any person for any reason, except race, color, creed, national origin, sex, **sexual**
13 **orientation, gender identity or expression,** or disability as defined in R.S.
14 51:2232(~~HH~~).

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

21 Section 10. R.S. 37:1025(B), 1107(C), 1360.23(H), 1437(D), 1455(A)(28),
22 2654(C)(1), 2719, 3425(C), and 3447(C) are hereby amended and reenacted to read as
23 follows:

24 §1025. Qualifications of applicants to the drug administration course

25 * * *

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

29 * * *

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

6 * * *

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

13 * * *

14 §2654. Board of examiners; creation; membership; appointment; terms; chair;
15 quorum

16 * * *

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

26 * * *

27 §2719. Discrimination

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

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

4 * * *

5 §3425. Qualifications for licensure; renewal

6 * * *

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

10 * * *

11 §3447. Requirements for licensed professional vocational counselor; renewal of
12 license

13 * * *

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

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

18 §2315. Equal opportunity

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

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

27 §1411. No state assistance for discriminatory programs

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

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

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

6 §1133.1. Emergency medical personnel training; licensure

7 * * *

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

12 * * *

13 §2113.4. Duty to provide services; penalty

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

29 * * *

1 §2125. Age; continuation of assistance; discrimination

2 * * *

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

7 * * *

8 §2403. Council on Peace Officer Standards and Training

9 * * *

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

15 * * *

16 §2504. Authority to contract

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

26 Section 14. R.S. 46:437.11(A), 1104, 1134, 1154, the introductory paragraph of
27 1407(B)(1)(e) and (F), 1995, and 2205 are hereby amended and reenacted to read as follows:

28 §437.11. Provider agreements

29 A. The department shall make payments from medical assistance programs

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

7 * * *

8 §1104. Application consideration; evaluation

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

23 * * *

24 §1134. Application consideration; evaluation

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

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

9 * * *

10 §1154. Application consideration; evaluation

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

21 * * *

22 §1407. Rules, regulations, and standards for licenses

23 * * *

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

26 * * *

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

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

3 * * *

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

10 * * *

11 §1995. Nondiscrimination

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

17 * * *

18 §2205. Nondiscrimination of policy

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

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

25 §37. Tax credit for contributions to educational institutions

26 * * *

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

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

11 * * *

12 §287.755. Tax credit for contributions to educational institutions

13 * * *

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

27 * * *

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

29 §274.1. Placing of specific information logo signs on interstate highways; contracts

1 with third parties

2 * * *

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

9 * * *

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

12 §145. Use of public buildings; discrimination

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

18 §146. Facilities to which public invited; discrimination

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

24 * * *

25 Section 18. R.S. 51:2231(A), 2232(5), 2235(16)(a), 2236(A), 2237(2), 2247, 2248,
26 2254(1) and (2), the introductory paragraph of 2255(A), 2602(A), 2606(A)(1) through (5),
27 2607(A) and (C), and 2608 are hereby amended and reenacted to read as follows:

28 §2231. Statement of purpose; limitation on prohibitions against discrimination
29 because of age

1 A. It is the purpose and intent of the legislature by this enactment to provide
2 for execution within Louisiana of the policies embodied in the Federal Civil Rights
3 Act of 1964, 1968, and 1972 and the Age Discrimination in Employment Act of
4 1967, as amended; and to assure that Louisiana has appropriate legislation
5 prohibiting discrimination in public accommodations sufficient to justify the deferral
6 of cases by the federal Equal Employment Opportunity Commission, the executive
7 director of the Louisiana Workforce Commission, and the Department of Justice
8 under those statutes; to safeguard all individuals within the state from discrimination
9 because of race, creed, color, religion, sex, sexual orientation, gender identity or
10 expression, age, disability, or national origin in connection with employment and in
11 connection with public accommodations; to protect their interest in personal dignity
12 and freedom from humiliation; to make available to the state their full productive
13 capacities in employment; to secure the state against domestic strife and unrest
14 which would menace its democratic institutions; to preserve the public safety, health,
15 and general welfare; and to further the interest, rights, and privileges within the state.

* * *

§2232. Definitions

As used in this Chapter:

* * *

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

* * *

§2235. Powers and duties of commission

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

1 following powers and duties:

2 * * *

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

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

11 * * *

12 §2236. Parishes and municipalities may prohibit discrimination

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

19 * * *

20 §2237. Local human rights commissions

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

24 * * *

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

28 * * *

29 §2247. Public accommodations, resorts, amusements; discriminatory practices

1 prohibited

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

8 * * *

9 §2248. Advertisement of accommodations, goods, services

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

22 §2254. Unlawful financial practices

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

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

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

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

10 * * *

11 §2255. Unlawful practices in connection with credit transactions; exceptions

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

16 * * *

17 §2602. Policy

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

24 * * *

25 §2606. Discrimination in sale or rental of housing and other prohibited practices

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

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

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

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

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

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

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

22 * * *

23 §2607. Discrimination in residential real estate related transactions

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

29 * * *

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

5 §2608. Discrimination in provision of brokerage services

6 It is unlawful to deny any person access to or membership or participation in
7 any multiple-listing service, real estate brokers' organization or other service,
8 organization, or facility relating to the business of selling or renting dwellings, or to
9 discriminate against him in the terms or conditions of such access, membership, or
10 participation, on account of race, color, religion, sex, age, sexual orientation,
11 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

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))