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

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SB 49 Original	DIGEST 2020 Regular Session	Carter
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Proposed law, relative to prohibited discrimination in employment, provides the following additional definitions:

- (1) "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality.
- (2) "Gender identity or expression" means a gender-related identity, appearance, or behavior of a person, regardless of the person's assigned sex at birth. Provides that gender-related identity may be shown by evidence including medical history, care, or treatment of gender-related identity, by consistent and uniform assertion of gender-related identity, or other evidence that the identity is sincerely held as part of one's core identity. Prohibits assertion of gender-related identity for any improper purpose.

Present law makes it unlawful discrimination in employment for an employer to engage in any of the following practices:

- (1) To intentionally fail or refuse to hire or to discharge any individual or otherwise discriminate against an individual with respect to compensation, or terms, conditions, or privileges of employment because of the individual's race, color, religion, sex, or national origin.
- (2) To intentionally limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive an individual of employment opportunities, or otherwise adversely affect the individual's status as an employee, because of the individual's race, color, religion, sex, or national origin.

Proposed law retains present law but includes unlawful discrimination based on age, sexual orientation, or gender identity.

Present law prohibits an employment agency from intentionally failing or refusing to refer for employment, or otherwise discriminate against an individual because of race, color, religion, sex, or national origin, or to intentionally classify or refer for employment an individual on the basis of race, color, religion, sex, or national origin.

Proposed law retains present law but includes when the discrimination is based on age, sexual orientation, or gender identity.

Present law makes it unlawful discrimination in employment for a labor organization to engage in any of the following practices:

- (1) To intentionally exclude or intentionally expel from its membership, or otherwise intentionally discriminate against, an individual because of race, color, religion, sex, or national origin.
- (2) To intentionally limit, segregate, or classify its membership or applicants for membership, or intentionally classify or fail or refuse to refer for employment an individual in any way which would deprive or tend to deprive an individual of employment opportunities, or would limit employment opportunities, or otherwise adversely affect their status as an employee or as an applicant for employment, because of race, color, religion, sex, or national origin.

Proposed law retains present law but includes unlawful discrimination based on age, sexual orientation, or gender identity.

Present law prohibits discrimination for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, based on an individual's race, color, religion, sex, or national origin.

Proposed law retains present law but includes unlawful discrimination based on age, sexual orientation, or gender identity.

Present law prohibits discrimination for any 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, or national origin. However, a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

Proposed law retains present law but includes unlawful discrimination based on age, sexual orientation, or gender identity.

Present law provides that it is not unlawful discrimination under the following situations:

- (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, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary for the normal operation of that particular business or enterprise.

- (2) 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, or national origin.
- (3) 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, or national origin.

Proposed law retains present law but includes unlawful discrimination based on age, sexual orientation, or gender identity in each listing.

Proposed law prohibits any interpretation that infringes upon the freedom of expression, association, or the free exercise of religion protected by the First Amendment of the United States Constitution and Article 1, Section 8 of the Constitution of Louisiana.

Proposed law, relative to discrimination on the basis of sexual orientation and gender identity, shall not apply to a corporation, association, educational institution or institution of learning, or society that is exempt from the religious discrimination provisions of 42 U.S.C. 2000(e)-1(a) or 2000(e)-2(e) (formerly Section 702(1) or 703(e)(2) of Title VII of the Civil Rights Act of 1964).

Present law provides for qualifications of applicants to participate in a drug administration course to become a medication attendant. Prohibits discrimination in the selection of medication attendants for reason of race, color, creed, religion, disability, or national origin.

Proposed law retains present law but includes discrimination based on age, sex, sexual orientation, or gender identity.

Present law prohibits the denial of a license for a licensed professional counselor based on the applicant's race, religion, creed, national origin, sex, or physical impairment.

Proposed law retains present law but prohibits denial based on the applicant's age, sexual orientation, gender identity, or disability.

Present law requires that the La. State Board of Medical Examiners ensure applicants for a program for physician assistant not be discriminated against due to race, color, creed, age, sex, disability, or national origin.

Proposed law retains present law but prohibits discrimination based on the applicant's sexual orientation, gender identity, or disability.

Present law requires applicants for licensure by the La. Real Estate Commission to attest to their knowledge of and understanding of the provisions of the Fair Housing Act of 1968 and the Louisiana

Equal Housing Opportunity Act, and that the applicant 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, or national origin.

Proposed law retains present law but adds that the applicant not discriminate based on sex, age, sexual orientation, or gender identity.

Present law provides that no license, certificate or registration be denied by the La. State Board of Social Work Examiners based on race, religion, creed, national origin, sex or physical impairment so long as the physical impairment does not interfere with performance of professional duties.

Proposed law retains present law but adds that the denial also not be based on age, sexual orientation, gender identity, or disability.

Present law provides that no license be denied by the La. State Board of Medical Examiners for licensure as a clinical exercise physiologist based on race, religion, creed, national origin, sex, or physical impairment.

Proposed law retains present law but adds that the denial also not be based on age, sexual orientation, gender identity, or disability.

Present law provides that no license be denied by the La. Licensed Professional Vocational Rehabilitation Counselors Board of Examiners based on race, religion, creed, national origin, sex, or physical impairment.

Proposed law retains present law but adds that the denial also not be based on age, sexual orientation, gender identity, or disability.

Present law requires that the La. Department of Health, bureau of emergency medical services, affirmatively provide that there is no discrimination toward any individual in the licensure process on the basis of race, religion, creed, national origin, sex, or age.

Proposed law retains present law but adds that the denial also not be based on sexual orientation or gender identity.

Effective August 15, 2020.

(Amends R.S. 23:332(A)(1) and (2), (B), (C)(1) and (2), (D), (E), (H)(1), (3) and (4), R.S. 37:1025(B), 1107(C), 1360.23(H), 1437(D), 2719, 3425(C), 3447(C), and R.S. 40:1133.1(C); adds R.S. 23:302(9) and (10), and 332(I) and (J))