

2016 Regular Session

HOUSE BILL NO. 542

BY REPRESENTATIVE HODGES

DISCRIMINATION: Provides with respect to the rights of employers on issues regarding persons living as a sex different than that designated at birth

1 AN ACT

2 To amend and reenact R.S. 51:2231 and to enact R.S. 23:302(9) and (10) and 304 through
3 306, relative to discrimination in employment; to provide with respect to gender
4 identity; to provide for the regulation of dress code and sex-specific titles and names;
5 to provide that restrooms be segregated based on the sex designated at birth; to
6 provide for policy in state employment; to provide for definitions; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 23:302(9) and (10) and 304 through 306 are hereby enacted to read
10 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 (9) "Restroom" means a room equipped with a toilet.

16 (10) "Sex designated at birth" means the sex assigned to a person at birth
17 based solely on the presence of male or female genitalia.

18 * * *

1 §304. Maintenance of harmonious and productive workplace

2 A. In order to maintain a harmonious and productive workplace, an employer
3 may enact policies which limit the type, color, and style of clothing permitted,
4 including the decoration on clothing such as words, phrases, symbols, or pictures.

5 B. An employer shall not require, coerce, or request that any employee,
6 contract worker, or contractor address or refer to any person by any title or pronoun
7 contrary to that consistent with his legal sex designated at birth and legal name.

8 §305. Use of restrooms

9 Employers may designate restrooms based on sex and may restrict the use of
10 such facilities to only those employees, contract workers, customers, and visitors
11 whose sex designated at birth corresponds to the designation of the restroom.

12 §306. State agency anti-discrimination policies

13 Any policy or prohibition against discrimination in employment implemented
14 by state agencies shall be limited to only those human traits and choices specified in
15 federal or state law. In the use of names, pronouns, and titles indicative of a specific
16 sex, a state agency shall not require, coerce, or request that any employee, contract
17 worker, contractor, customer, or visitor refer to anyone by other than the person's
18 legal name and pronoun or title consistent with the sex designated to that person at
19 birth. In state-owned, leased, or rented buildings, the use of any restroom designated
20 by sex shall be restricted to only those employees, contract workers, contractors,
21 customers, and visitors whose sex designated at birth corresponds to the sex-
22 designation of the restroom.

23 Section 2. R.S. 51:2231 is hereby amended and reenacted to read as follows:

24 §2231. Statement of purpose; limitation on prohibitions against discrimination
25 because of race, creed, color, religion, sex, age, disability, or national origin

26 A. It is the purpose and intent of the legislature by this enactment to provide
27 for execution within Louisiana of the policies embodied in the Federal Civil Rights
28 Act of 1964, 1968, and 1972 and the Age Discrimination in Employment Act of
29 1967, as amended; and to assure that Louisiana has appropriate legislation

1 prohibiting discrimination in public accommodations sufficient to justify the deferral
2 of cases by the federal Equal Employment Opportunity Commission, the executive
3 director of the Louisiana Workforce Commission, and the Department of Justice
4 ~~under~~ pursuant to those statutes; to safeguard all individuals within the state from
5 discrimination because of race, creed, color, religion, sex, age, disability, or national
6 origin in connection with employment and in connection with public
7 accommodations; to protect their interest in personal dignity and freedom from
8 humiliation; to make available to the state their full productive capacities in
9 employment; to secure the state against domestic strife and unrest which would
10 menace its democratic institutions; to preserve the public safety, health, and general
11 welfare; and to further the interest, rights, and privileges within the state.

12 B. The prohibitions in this Chapter against discrimination shall be limited
13 to only those human traits and choices protected in federal or state statute.

14 ~~B. C.~~ C. The prohibitions in this Chapter against discrimination because of age
15 in connection with public accommodations shall be limited to individuals who are
16 at least forty years of age.

17 ~~C. D.~~ D. The Louisiana Commission on Human Rights shall have enforcement
18 powers including adjudication of claims of discrimination prohibited by Chapter 3-A
19 of Title 23 of the Louisiana Revised Statutes of 1950, and pay discrimination
20 prohibited by R.S. 23:664.

21 Section 3. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

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)]

HB 542 Original

2016 Regular Session

Hodges

Abstract: Limits prohibitions on the types of discrimination in employment to only those traits and choices protected in law as well as extend this limit to policies in the workplace including attire, the way an employee is addressed, and the use of restrooms designated for the sex the individual was designated at birth.

Present law prohibits discrimination in employment on the basis of race, creed, color, religion, sex, age, disability, or national origin. Proposed law retains present law.

Present law provides definitions. Proposed law adds definitions for "sex designated at birth" and for "restroom".

Proposed law allows an employer to institute policies regarding dress code in the workplace.

Proposed law provides that an employer shall not require any employee, contract worker, or contractor to address someone with a title, name, or pronoun inconsistent with his sex designated at birth and legal name.

Proposed law allows employers to designate restrooms as sex-specific and may restrict the use of the sex-specific restrooms to persons designated to that sex at birth.

Proposed law requires that the discrimination policy of state agencies be limited to human traits or choices protected in state and federal law. Proposed law further provides that a state agency shall not require any employee, contract worker, contractor, customer or visitor to address someone with a title, name, or pronoun inconsistent with his sex designated at birth or name.

Proposed law provides that the prohibitions in present law against discrimination are limited to those qualities protected by present law, including race, creed, color, religion, sex, age, disability, or national origin.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 51:2231; Adds R.S. 23:302(9) and (10) and 304-306)