

Regular Session, 2012

SENATE BILL NO. 100

BY SENATOR MURRAY

STATE EMPLOYEES. Prohibits discrimination in state employment based upon sexual identification. (8/1/12)

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AN ACT

To amend and reenact the heading of Part IV of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, and to enact R.S. 23:331, relative to employment discrimination; to provide additional protected classes; to provide for definitions; to allow for dress and appearance requirements; to provide with respect to discrimination by the state and state agencies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part IV of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, is hereby amended and reenacted and R.S. 23:331 is hereby enacted to read as follows:

PART IV. RACE, COLOR, RELIGION, SEX, **SEXUAL ORIENTATION,**  
**GENDER IDENTITY, GENDER EXPRESSION,** AND NATIONAL ORIGIN

\* \* \*

**§331. Prohibition of intentional discrimination or harassment**

**A. No state agency shall harass or discriminate in employment, including, but not limited to, hiring, promotion, tenure, recruitment, or compensation on the basis of race, color, religion, sex, sexual orientation, gender**

1 **identity, gender expression, or national origin against any individual.**

2 **B. Each state agency and each political subdivision thereof is authorized**  
3 **and directed to cooperate in the implementation of the provisions of this**  
4 **Section.**

5 **C. Nothing in this Section shall be construed to prohibit any state agency**  
6 **from establishing appropriate dress and appearance requirements for its**  
7 **employees, provided however, employers shall allow any employee to appear**  
8 **and dress in a manner consistent with the employee's gender identity or gender**  
9 **expression.**

10 **D. (1) "Sexual orientation" means being or perceived as being**  
11 **heterosexual, homosexual, or bisexual.**

12 **(2) "Gender identity" refers to a person's internal, deeply felt sense of**  
13 **being either male or female.**

14 **(3) "Gender expression" refers to all of the external characteristics and**  
15 **behaviors that are socially defined as either masculine or feminine, such as**  
16 **dress, mannerisms, speech patterns and social interactions.**

17 **(4) "State agency" shall mean any department, office, division, agency,**  
18 **commission, board, officer or other organizational unit of state government.**

19 Section 2. This Act shall become effective on August 1, 2012; if vetoed by the  
20 governor and subsequently approved by the legislature, this Act shall become effective on  
21 August 1, 2012 , or on the day following such approval by the legislature, whichever is later.

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

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#### DIGEST

Present law prohibits employment discrimination on the basis of race, color, religion, sex  
and national origin.

Proposed law retains present law and further prohibits employment discrimination on the  
basis of sexual orientation, gender identity, gender expression by any state agency.

Effective August 1, 2012.

(Amends heading of Part IV of Chapter 3-A of Title 23; adds R.S. 23:331)