

# SENATE BILL NO. 787

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RAZER.

2816S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to discrimination based on sexual orientation or gender identity.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 213.010, 213.030, 213.040, 213.045,  
2 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, are  
3 repealed and nine new sections enacted in lieu thereof, to be  
4 known as sections 213.010, 213.030, 213.040, 213.045, 213.050,  
5 213.055, 213.065, 213.070, and 213.101, to read as follows:

213.010. As used in this chapter, the following terms  
2 shall mean:

3 (1) "Age", an age of forty or more years but less than  
4 seventy years, except that it shall not be an unlawful  
5 employment practice for an employer to require the  
6 compulsory retirement of any person who has attained the age  
7 of sixty-five and who, for the two-year period immediately  
8 before retirement, is employed in a bona fide executive or  
9 high policy-making position, if such person is entitled to  
10 an immediate nonforfeitable annual retirement benefit from a  
11 pension, profit sharing, savings or deferred compensation  
12 plan, or any combination of such plans, of the employer,  
13 which equals, in the aggregate, at least forty-four thousand  
14 dollars;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15           (2) "Because" or "because of", as it relates to the  
16 adverse decision or action, the protected criterion was the  
17 motivating factor;

18           (3) "Commission", the Missouri commission on human  
19 rights;

20           (4) "Complainant", a person who has filed a complaint  
21 with the commission alleging that another person has engaged  
22 in a prohibited discriminatory practice;

23           (5) "Disability", a physical or mental impairment  
24 which substantially limits one or more of a person's major  
25 life activities, being regarded as having such an  
26 impairment, or a record of having such an impairment, which  
27 with or without reasonable accommodation does not interfere  
28 with performing the job, utilizing the place of public  
29 accommodation, or occupying the dwelling in question. For  
30 purposes of this chapter, the term "disability" does not  
31 include current, illegal use of or addiction to a controlled  
32 substance as such term is defined by section 195.010;  
33 however, a person may be considered to have a disability if  
34 that person:

35           (a) Has successfully completed a supervised drug  
36 rehabilitation program and is no longer engaging in the  
37 illegal use of, and is not currently addicted to, a  
38 controlled substance or has otherwise been rehabilitated  
39 successfully and is no longer engaging in such use and is  
40 not currently addicted;

41           (b) Is participating in a supervised rehabilitation  
42 program and is no longer engaging in illegal use of  
43 controlled substances; or

44           (c) Is erroneously regarded as currently illegally  
45 using, or being addicted to, a controlled substance;

46           (6) "Discrimination", conduct proscribed herein, taken  
47 because of race, color, religion, national origin, ancestry,  
48 sex, [or] **sexual orientation, gender identity, or** age, as it  
49 relates to employment, disability, or familial status as it  
50 relates to housing. **Discrimination includes any unfair**  
51 **treatment based on a person's presumed or assumed race,**  
52 **color, religion, national origin, ancestry, sex, sexual**  
53 **orientation, gender identity, age, as it relates to**  
54 **employment, disability, or familial status as it relates to**  
55 **housing, regardless of whether the presumption or assumption**  
56 **as to such characteristic is correct;**

57           (7) "Dwelling", any building, structure or portion  
58 thereof which is occupied as, or designed or intended for  
59 occupancy as, a residence by one or more families, and any  
60 vacant land which is offered for sale or lease for the  
61 construction or location thereon of any such building,  
62 structure or portion thereof;

63           (8) "Employer", a person engaged in an industry  
64 affecting commerce who has six or more employees for each  
65 working day in each of twenty or more calendar weeks in the  
66 current or preceding calendar year, and shall include the  
67 state, or any political or civil subdivision thereof, or any  
68 person employing six or more persons within the state but  
69 does not include corporations and associations owned or  
70 operated by religious or sectarian organizations.

71 "Employer" shall not include:

72           (a) The United States;

73           (b) A corporation wholly owned by the government of  
74 the United States;

75           (c) An individual employed by an employer;

76           (d) An Indian tribe;

77 (e) Any department or agency of the District of  
78 Columbia subject by statute to procedures of the competitive  
79 service, as defined in 5 U.S.C. Section [2101] 2102; or

80 (f) A bona fide private membership club, other than a  
81 labor organization, that is exempt from taxation under 26  
82 U.S.C. Section 501(c);

83 (9) "Employment agency" includes any person or agency,  
84 public or private, regularly undertaking with or without  
85 compensation to procure employees for an employer or to  
86 procure for employees opportunities to work for an employer;

87 (10) "Executive director", the executive director of  
88 the Missouri commission on human rights;

89 (11) "Familial status", one or more individuals who  
90 have not attained the age of eighteen years being domiciled  
91 with:

92 (a) A parent or another person having legal custody of  
93 such individual; or

94 (b) The designee of such parent or other person having  
95 such custody, with the written permission of such parent or  
96 other person. The protections afforded against  
97 discrimination because of familial status shall apply to any  
98 person who is pregnant or is in the process of securing  
99 legal custody of any individual who has not attained the age  
100 of eighteen years;

101 (12) **"Gender identity", the gender-related identity,**  
102 **appearance, mannerisms, or other gender-related**  
103 **characteristics of an individual, with or without regard to**  
104 **the individual's assigned sex at birth;**

105 (13) "Human rights fund", a fund established to  
106 receive civil penalties as required by federal regulations  
107 and as set forth by subdivision (2) of subsection 11 of  
108 section 213.075, and which will be disbursed to offset

109 additional expenses related to compliance with the  
110 Department of Housing and Urban Development regulations;

111 [(13)] (14) "Labor organization" includes any  
112 organization which exists for the purpose, in whole or in  
113 part, of collective bargaining or of dealing with employers  
114 concerning grievances, terms or conditions of employment, or  
115 for other mutual aid or protection in relation to employment;

116 [(14)] (15) "Local commissions", any commission or  
117 agency established prior to August 13, 1986, by an ordinance  
118 or order adopted by the governing body of any city,  
119 constitutional charter city, town, village, or county;

120 [(15)] (16) "Person" includes one or more individuals,  
121 corporations, partnerships, associations, organizations,  
122 labor organizations, legal representatives, mutual  
123 companies, joint stock companies, trusts, trustees, trustees  
124 in bankruptcy, receivers, fiduciaries, or other organized  
125 groups of persons;

126 [(16)] (17) "Places of public accommodation", all  
127 places or businesses offering or holding out to the general  
128 public, goods, services, privileges, facilities, advantages  
129 or accommodations for the peace, comfort, health, welfare  
130 and safety of the general public or such public places  
131 providing food, shelter, recreation and amusement,  
132 including, but not limited to:

133 (a) Any inn, hotel, motel, or other establishment  
134 which provides lodging to transient guests, other than an  
135 establishment located within a building which contains not  
136 more than five rooms for rent or hire and which is actually  
137 occupied by the proprietor of such establishment as [his]  
138 **the proprietor's** residence;

139 (b) Any restaurant, cafeteria, lunchroom, lunch  
140 counter, soda fountain, or other facility principally

141 engaged in selling food for consumption on the premises,  
142 including, but not limited to, any such facility located on  
143 the premises of any retail establishment;

144 (c) Any gasoline station, including all facilities  
145 located on the premises of such gasoline station and made  
146 available to the patrons thereof;

147 (d) Any motion picture house, theater, concert hall,  
148 sports arena, stadium, or other place of exhibition or  
149 entertainment;

150 (e) Any public facility owned, operated, or managed by  
151 or on behalf of this state or any agency or subdivision  
152 thereof, or any public corporation; and any such facility  
153 supported in whole or in part by public funds;

154 (f) Any establishment which is physically located  
155 within the premises of any establishment otherwise covered  
156 by this section or within the premises of which is  
157 physically located any such covered establishment, and which  
158 holds itself out as serving patrons of such covered  
159 establishment;

160 [(17)] (18) "Rent" includes to lease, to sublease, to  
161 let and otherwise to grant for consideration the right to  
162 occupy premises not owned by the occupant;

163 [(18)] (19) "Respondent", a person who is alleged to  
164 have engaged in a prohibited discriminatory practice in a  
165 complaint filed with the commission;

166 (20) "Sexual orientation", one's actual or perceived  
167 emotional or physical attraction to, or romantic or physical  
168 relationships with, members of the same gender, members of a  
169 different gender, or members of any gender; or the lack of  
170 any emotional or physical attraction to, or romantic or  
171 physical relationships with, anyone. The term "sexual  
172 orientation" includes a history of such attraction or

173 **relationship or a history of no such attraction or**  
174 **relationship;**

175 [(19)] (21) "The motivating factor", the employee's  
176 protected classification actually played a role in the  
177 adverse action or decision and had a determinative influence  
178 on the adverse decision or action;

179 [(20)] (22) "Unlawful discriminatory practice", any  
180 act that is unlawful under this chapter.

213.030. 1. The powers and duties of the commission  
2 shall be:

3 (1) To seek to eliminate and prevent discrimination  
4 because of race, color, religion, national origin, ancestry,  
5 sex, **sexual orientation, gender identity**, age, as it relates  
6 to employment, disability, or familial status as it relates  
7 to housing and to take other actions against discrimination  
8 because of race, color, religion, national origin, ancestry,  
9 sex, **sexual orientation, gender identity**, age, disability,  
10 or familial status as provided by law; and the commission is  
11 hereby given general jurisdiction and power for such  
12 purposes;

13 (2) To implement the purposes of this chapter first by  
14 conference, conciliation and persuasion so that persons may  
15 be guaranteed their civil rights and goodwill be fostered;

16 (3) To formulate policies to implement the purposes of  
17 this chapter and to make recommendations to agencies and  
18 officers of the state and political subdivisions in aid of  
19 such policies and purposes;

20 (4) To appoint such employees as it may deem  
21 necessary, fix their compensation within the appropriations  
22 provided and in accordance with the wage structure  
23 established for other state agencies, and prescribe their  
24 duties;

25           (5) To obtain upon request and utilize the services of  
26 all governmental departments and agencies to be paid from  
27 appropriations to this commission;

28           (6) To adopt, promulgate, amend, and rescind suitable  
29 rules and regulations to carry out the provisions of this  
30 chapter and the policies and practices of the commission in  
31 connection therewith;

32           (7) To receive, investigate, initiate, and pass upon  
33 complaints alleging discrimination in employment, housing or  
34 in places of public accommodations because of race, color,  
35 religion, national origin, ancestry, sex, **sexual**  
36 **orientation, gender identity**, age, as it relates to  
37 employment, disability, or familial status as it relates to  
38 housing and to require the production for examination of any  
39 books, papers, records, or other materials relating to any  
40 matter under investigation;

41           (8) To hold hearings, subpoena witnesses, compel their  
42 attendance, administer oaths, to take the testimony of any  
43 person under oath, and, in connection therewith, to require  
44 the production for examination of any books, papers or other  
45 materials relating to any matter under investigation or in  
46 question before the commission;

47           (9) To issue publications and the results of studies  
48 and research which will tend to promote goodwill and  
49 minimize or eliminate discrimination in housing, employment  
50 or in places of public accommodation because of race, color,  
51 religion, national origin, ancestry, sex, **sexual**  
52 **orientation, gender identity**, age, as it relates to  
53 employment, disability, or familial status as it relates to  
54 housing;



55 (10) To provide each year to the governor and to the  
56 general assembly a full written report of all its activities  
57 and of its recommendations;

58 (11) To adopt an official seal;

59 (12) To cooperate, act jointly, enter into cooperative  
60 or work-sharing agreements with the United States Equal  
61 Employment Opportunity Commission, the United States  
62 Department of Housing and Urban Development, and other  
63 federal agencies and local commissions or agencies to  
64 achieve the purposes of this chapter;

65 (13) To accept grants, private gifts, bequests, and  
66 establish funds to dispose of such moneys so long as the  
67 conditions of the grant, gift, or bequest are not  
68 inconsistent with the purposes of this chapter and are used  
69 to achieve the purposes of this chapter;

70 (14) To establish a human rights fund as defined in  
71 section 213.010, for the purposes of administering sections  
72 213.040, 213.045, 213.050, 213.070, 213.075, and 213.076.

73 2. No rule or portion of a rule promulgated under the  
74 authority of this chapter shall become effective unless it  
75 has been promulgated pursuant to the provisions of [section  
76 536.024] **chapter 536**.

213.040. 1. It shall be an unlawful housing practice:

2 (1) To refuse to sell or rent after the making of a  
3 bona fide offer, to refuse to negotiate for the sale or  
4 rental of, to deny or otherwise make unavailable, a dwelling  
5 to any person because of race, color, religion, national  
6 origin, ancestry, sex, **sexual orientation, gender identity,**  
7 disability, or familial status;

8 (2) To discriminate against any person in the terms,  
9 conditions, or privileges of sale or rental of a dwelling,  
10 or in the provision of services or facilities in connection

11 therewith, because of race, color, religion, national  
12 origin, ancestry, sex, **sexual orientation, gender identity,**  
13 disability, or familial status;

14 (3) To make, print, or publish, or cause to be made,  
15 printed, or published any notice, statement or  
16 advertisement, with respect to the sale or rental of a  
17 dwelling that indicates any preference, limitation, or  
18 discrimination because of race, color, religion, national  
19 origin, ancestry, sex, **sexual orientation, gender identity,**  
20 disability, or familial status, or an intention to make any  
21 such preference, limitation, or discrimination;

22 (4) To represent to any person because of race, color,  
23 religion, national origin, ancestry, sex, **sexual**  
24 **orientation, gender identity,** disability, or familial status  
25 that any dwelling is not available for inspection, sale, or  
26 rental when such dwelling is in fact so available;

27 (5) To induce or attempt to induce any person to sell  
28 or rent any dwelling by representations regarding the entry  
29 or prospective entry into the neighborhood of a person or  
30 persons because of a particular race, color, religion,  
31 national origin, ancestry, sex, **sexual orientation, gender**  
32 **identity,** disability, or familial status;

33 (6) To discriminate in the sale or rental of, or to  
34 otherwise make unavailable or deny, a dwelling to any buyer  
35 or renter because of a disability of:

36 (a) That buyer or renter;

37 (b) A person residing in or intending to reside in  
38 that dwelling after it is so sold, rented, or made  
39 available; or

40 (c) Any person associated with that buyer or renter;

41 (7) To discriminate against any person in the terms,  
42 conditions, or privileges of sale or rental of a dwelling,

43 or in the provision of services or facilities in connection  
44 with such dwelling, because of a disability of:

45 (a) That person;

46 (b) A person residing in or intending to reside in  
47 that dwelling after it is so sold, rented, or made  
48 available; or

49 (c) Any person associated with that person.

50 2. For purposes of this section and sections 213.045  
51 and 213.050, discrimination includes:

52 (1) A refusal to permit, at the expense of the person  
53 with the disability, reasonable modifications of existing  
54 premises occupied or to be occupied by such person if such  
55 modifications may be necessary to afford such person full  
56 enjoyment of the premises, except that, in the case of a  
57 rental, the landlord may, where it is reasonable to do so,  
58 condition permission for a modification on the renter's  
59 agreeing to restore the interior of the premises to the  
60 condition that existed before the modification, reasonable  
61 wear and tear excepted;

62 (2) A refusal to make reasonable accommodations in  
63 rules, policies, practices, or services, when such  
64 accommodations may be necessary to afford such person equal  
65 opportunity to use and enjoy a dwelling; or

66 (3) In connection with the design and construction of  
67 covered multifamily dwellings for first occupancy after  
68 March 13, 1991, a failure to design and construct those  
69 dwellings in such a manner that:

70 (a) The public use and common use portions of such  
71 dwellings are readily accessible to and usable by persons  
72 with a disability;

73 (b) All the doors designed to allow passage into and  
74 within all premises within such dwellings are sufficiently

75 wide to allow passage by persons with a disability in  
76 wheelchairs; and

77 (c) All premises within such dwellings contain the  
78 following features of adaptive design:

79 a. An accessible route into and through the dwelling;

80 b. Light switches, electrical outlets, thermostats,  
81 and other environmental controls in accessible locations;

82 c. Reinforcements in bathroom walls to allow later  
83 installation of grab bars; and

84 d. Usable kitchens and bathrooms such that an  
85 individual in a wheelchair can maneuver about the space.

86 3. As used in subdivision (3) of subsection 2 of this  
87 section, the term "covered multifamily dwelling" means:

88 (1) Buildings consisting of four or more units if such  
89 buildings have one or more elevators; and

90 (2) Ground floor units in other buildings consisting  
91 of four or more units.

92 4. Compliance with the appropriate requirements of the  
93 American National Standard for Buildings and Facilities  
94 providing accessibility and usability for people with  
95 physical disabilities, commonly cited as "ANSI A117.1",  
96 suffices to satisfy the requirements of paragraph (a) of  
97 subdivision (3) of subsection 2 of this section.

98 5. Where a unit of general local government has  
99 incorporated into its laws the requirements set forth in  
100 subdivision (3) of subsection 2 of this section, compliance  
101 with such laws shall be deemed to satisfy the requirements  
102 of that subdivision. Such compliance shall be subject to  
103 the following provisions:

104 (1) A unit of general local government may review and  
105 approve newly constructed covered multifamily dwellings for  
106 the purpose of making determinations as to whether the

107 design and construction requirements of subdivision (3) of  
108 subsection 2 of this section are met;

109       (2) The commission shall encourage, but may not  
110 require, the units of local government to include in their  
111 existing procedures for the review and approval of newly  
112 constructed covered multifamily dwellings, determinations as  
113 to whether the design and construction of such dwellings are  
114 consistent with subdivision (3) of subsection 2 of this  
115 section, and shall provide technical assistance to units of  
116 local government and other persons to implement the  
117 requirements of subdivision (3) of subsection 2 of this  
118 section;

119       (3) Nothing in this chapter shall be construed to  
120 require the commission to review or approve the plans,  
121 designs or construction of all covered dwellings, to  
122 determine whether the design and construction of such  
123 dwellings are consistent with the requirements of  
124 subdivision (3) of subsection 2 of this section.

125       6. Nothing in this chapter shall be construed to  
126 invalidate or limit any law of the state or political  
127 subdivision of the state, or other jurisdiction in which  
128 this chapter shall be effective, that requires dwellings to  
129 be designed and constructed in a manner that affords persons  
130 with disabilities greater access than is required by this  
131 chapter.

132       7. Nothing in this section and sections 213.045 and  
133 213.050 requires that a dwelling be made available to an  
134 individual whose tenancy would constitute a direct threat to  
135 the health or safety of other individuals or whose tenancy  
136 would result in substantial physical damage to the property  
137 of others.

138           8. Nothing in this section and sections 213.045 and  
139 213.050 limits the applicability of any reasonable local or  
140 state restriction regarding the maximum number of occupants  
141 permitted to occupy a dwelling, nor does any provision in  
142 this section and sections 213.045 and 213.050 regarding  
143 familial status apply with respect to housing for older  
144 persons.

145           9. As used in this section and sections 213.045 and  
146 213.050, "housing for older persons" means housing:

147           (1) Provided under any state or federal program that  
148 the commission determines is specifically designed and  
149 operated to assist elderly persons, as defined in the state  
150 or federal program;

151           (2) Intended for, and solely occupied by, persons  
152 sixty-two years of age or older; or

153           (3) Intended and operated for occupancy by at least  
154 one person fifty-five years of age or older per unit. In  
155 determining whether housing qualifies as housing for older  
156 persons under this subsection, the commission shall develop  
157 regulations which require at least the following factors:

158           (a) The existence of significant facilities and  
159 services specifically designed to meet the physical or  
160 social needs of older persons, or if the provision of such  
161 facilities and services is not practicable, that such  
162 housing is necessary to provide important housing  
163 opportunities for older persons; and

164           (b) That at least eighty percent of the units are  
165 occupied by at least one person fifty-five years of age or  
166 older per unit; and

167           (c) The publication of, and adherence to, policies and  
168 procedures which demonstrate an intent by the owner or

169 manager to provide housing for persons fifty-five years of  
170 age or older.

171 10. Housing shall not fail to meet the requirements  
172 for housing for older persons by reason of:

173 (1) Persons residing in such housing as of August 28,  
174 1992, who do not meet the age requirements of subdivision

175 (2) or (3) of subsection 9 of this section, provided that  
176 new occupants of such housing meet the age requirements of  
177 subdivision (2) or (3) of subsection 9 of this section; or

178 (2) Unoccupied units, provided that such units are  
179 reserved for occupancy by persons who meet the age  
180 requirements of subdivision (2) or (3) of subsection 9 of  
181 this section.

182 11. Nothing in this section or section 213.045 or  
183 213.050 shall prohibit conduct against a person because such  
184 person has been convicted by any court of competent  
185 jurisdiction of the illegal manufacture or distribution of a  
186 controlled substance, as defined by section 195.010.

187 12. Nothing in this chapter shall prohibit a religious  
188 organization, association, or society, or any nonprofit  
189 institution or organization operated, supervised or  
190 controlled by or in conjunction with a religious  
191 organization, association, or society, from limiting the  
192 sale, rental or occupancy of dwellings which it owns or  
193 operates for other than a commercial purpose to persons of  
194 the same religion, or from giving preference to such  
195 persons, unless membership in such religion is restricted on  
196 account of race, color, or national origin. Nor shall  
197 anything in this chapter prohibit a private club not in fact  
198 open to the public, which as an incident to its primary  
199 purpose or purposes provides lodging which it owns or  
200 operates for other than a commercial purpose, from limiting

201 the rental or occupancy of such lodging to its members or  
202 from giving preference to its members.

203 13. Nothing in this chapter, other than the  
204 prohibitions against discriminatory advertising in  
205 subdivision (3) of subsection 1 of this section, shall apply  
206 to:

207 (1) The sale or rental of any single family house by a  
208 private individual owner, provided the following conditions  
209 are met:

210 (a) The private individual owner does not own or have  
211 any interest in more than three single family houses at any  
212 one time; and

213 (b) The house is sold or rented without the use of a  
214 real estate broker, agent or salesperson or the facilities  
215 of any person in the business of selling or renting  
216 dwellings and without publication, posting or mailing of any  
217 advertisement. If the owner selling the house does not  
218 reside in it at the time of the sale or was not the most  
219 recent resident of the house prior to such sale, the  
220 exemption in this section applies to only one such sale in  
221 any twenty-four-month period; or

222 (2) Rooms or units in dwellings containing living  
223 quarters occupied or intended to be occupied by no more than  
224 four families living independently of each other, if the  
225 owner actually maintains and occupies one of such living  
226 quarters as his or her residence.

213.045. It shall be unlawful for any bank, building  
2 and loan association, insurance company or other  
3 corporation, association, firm or enterprise whose business  
4 consists in whole or in part in the making of commercial  
5 real estate loans, to deny a loan or other financial  
6 assistance because of race, color, religion, national



7 origin, ancestry, sex, **sexual orientation, gender identity,**  
8 disability, or familial status to a person applying therefor  
9 for the purpose of purchasing, construction, improving,  
10 repairing, or maintaining a dwelling, or to discriminate  
11 against [him] **such person** in fixing of the amount, interest  
12 rate, duration or other terms or conditions of such loan or  
13 other financial assistance, because of the race, color,  
14 religion, national origin, ancestry, sex, **sexual**  
15 **orientation, gender identity,** disability, or familial status  
16 of such person or of any person associated with [him] **such**  
17 **person** in connection with such loan or other financial  
18 assistance, or of the present or prospective owners,  
19 lessees, tenants, or occupants, of the dwellings in relation  
20 to which such loan or other financial assistance is to be  
21 made or given.

213.050. It shall be unlawful to deny any person  
2 access to or membership or participation in any multiple  
3 listing service, real estate brokers' organization or other  
4 service organization, or facility relating to the business  
5 of selling or renting dwellings, because of race, color,  
6 religion, national origin, ancestry, sex, **sexual**  
7 **orientation, gender identity,** disability, or familial status.

213.055. 1. It shall be an unlawful employment  
2 practice:

3 (1) For an employer, because of the race, color,  
4 religion, national origin, sex, **sexual orientation, gender**  
5 **identity,** ancestry, age, or disability of any individual:

6 (a) To fail or refuse to hire or to discharge any  
7 individual, or otherwise to discriminate against any  
8 individual with respect to [his] **such individual's**  
9 compensation, terms, conditions, or privileges of  
10 employment, because of such individual's race, color,

11 religion, national origin, sex, **sexual orientation, gender**  
12 **identity**, ancestry, age, or disability;

13 (b) To limit, segregate, or classify [his] employees  
14 or [his] employment applicants in any way which would  
15 deprive or tend to deprive any individual of employment  
16 opportunities or otherwise adversely affect [his] **such**  
17 **individual's** status as an employee, because of such  
18 individual's race, color, religion, national origin, sex,  
19 **sexual orientation, gender identity**, ancestry, age, or  
20 disability;

21 (2) For a labor organization to exclude or to expel  
22 from its membership any individual or to discriminate in any  
23 way against any of its members or against any employer or  
24 any individual employed by an employer because of race,  
25 color, religion, national origin, sex, **sexual orientation,**  
26 **gender identity**, ancestry, age, or disability of any  
27 individual; or to limit, segregate, or classify its  
28 membership, or to classify or fail or refuse to refer for  
29 employment any individual, in any way which would deprive or  
30 tend to deprive any individual of employment opportunities,  
31 or would limit such employment opportunities or otherwise  
32 adversely affect [his] **such individual's** status as an  
33 employee or as an applicant for employment, because of such  
34 individual's race, color, religion, national origin, sex,  
35 **sexual orientation, gender identity**, ancestry, age, or  
36 disability; or for any employer, labor organization, or  
37 joint labor-management committee controlling apprenticeship  
38 or other training or retraining, including on-the-job  
39 training programs to discriminate against any individual  
40 because of [his] **such individual's** race, color, religion,  
41 national origin, sex, **sexual orientation, gender identity,**  
42 ancestry, age, or disability in admission to, or employment

43 in, any program established to provide apprenticeship or  
44 other training;

45 (3) For any employer or employment agency to print or  
46 circulate or cause to be printed or circulated any  
47 statement, advertisement or publication, or to use any form  
48 of application for employment or to make any inquiry in  
49 connection with prospective employment, which expresses,  
50 directly or indirectly, any limitation, specification, or  
51 discrimination, because of race, color, religion, national  
52 origin, sex, **sexual orientation, gender identity**, ancestry,  
53 age, or disability unless based upon a bona fide  
54 occupational qualification or for an employment agency to  
55 fail or refuse to refer for employment, or otherwise to  
56 discriminate against, any individual because of his or her  
57 race, color, religion, national origin, sex, **sexual**  
58 **orientation, gender identity**, ancestry, age, as it relates  
59 to employment, or disability, or to classify or refer for  
60 employment any individual because of [his or her] **such**  
61 **individual's** race, color, religion, national origin, sex,  
62 **sexual orientation, gender identity**, ancestry, age, or  
63 disability.

64 2. Notwithstanding any other provision of this  
65 chapter, it shall not be an unlawful employment practice for  
66 an employer to apply different standards of compensation, or  
67 different terms, conditions or privileges of employment  
68 pursuant to a bona fide seniority or merit system, or a  
69 system which measures earnings by quantity or quality of  
70 production or to employees who work in different locations,  
71 provided that such differences or such systems are not the  
72 result of an intention or a design to discriminate, and are  
73 not used to discriminate, because of race, color, religion,  
74 sex, **sexual orientation, gender identity**, national origin,

75 ancestry, age, or disability, nor shall it be an unlawful  
76 employment practice for an employer to give and to act upon  
77 the results of any professionally developed ability test,  
78 provided that such test, its administration, or action upon  
79 the results thereof, is not designed, intended or used to  
80 discriminate because of race, color, religion, national  
81 origin, sex, **sexual orientation, gender identity**, ancestry,  
82 age, or disability.

83         3. Nothing contained in this chapter shall be  
84 interpreted to require any employer, employment agency,  
85 labor organization, or joint labor-management committee  
86 subject to this chapter to grant preferential treatment to  
87 any individual or to any group because of the race, color,  
88 religion, national origin, sex, **sexual orientation, gender**  
89 **identity**, ancestry, age, or disability of such individual or  
90 group on account of an imbalance which may exist with  
91 respect to the total number or percentage of persons of any  
92 race, color, religion, national origin, sex, **sexual**  
93 **orientation, gender identity**, ancestry, age, or disability  
94 employed by any employer, referred or classified for  
95 employment by any employment agency or labor organization,  
96 admitted to membership or classified by any labor  
97 organization, or admitted to or employed in any  
98 apprenticeship or other training program, in comparison with  
99 the total number or percentage of persons of such race,  
100 color, religion, national origin, sex, **sexual orientation,**  
101 **gender identity**, ancestry, age, or disability in any  
102 community, state, section, or other area, or in the  
103 available workforce in any community, state, section, or  
104 other area.

105         4. Notwithstanding any other provision of this  
106 chapter, it shall not be an unlawful employment practice for

107 the state or any political subdivision of the state to  
108 comply with the provisions of 29 U.S.C. Section 623 relating  
109 to employment as firefighters or law enforcement officers.

213.065. 1. All persons within the jurisdiction of  
2 the state of Missouri are free and equal and shall be  
3 entitled to the full and equal use and enjoyment within this  
4 state of any place of public accommodation, as hereinafter  
5 defined, without discrimination or segregation because of  
6 race, color, religion, national origin, sex, **sexual**  
7 **orientation, gender identity**, ancestry, or disability.

8 2. It is an unlawful discriminatory practice for any  
9 person, directly or indirectly, to refuse, withhold from or  
10 deny any other person, or to attempt to refuse, withhold  
11 from or deny any other person, any of the accommodations,  
12 advantages, facilities, services, or privileges made  
13 available in any place of public accommodation, as defined  
14 in section 213.010 and this section, or to segregate or  
15 discriminate against any such person in the use thereof  
16 because of race, color, religion, national origin, sex,  
17 **sexual orientation, gender identity**, ancestry, or disability.

18 3. The provisions of this section shall not apply to a  
19 private club, a place of accommodation owned by or operated  
20 on behalf of a religious corporation, association or  
21 society, or other establishment which is not in fact open to  
22 the public, unless the facilities of such establishments are  
23 made available to the customers or patrons of a place of  
24 public accommodation as defined in section 213.010 and this  
25 section.

213.070. 1. It shall be an unlawful discriminatory  
2 practice for an employer, employment agency, labor  
3 organization, or place of public accommodation:

4           (1) To aid, abet, incite, compel, or coerce the  
5 commission of acts prohibited under this chapter or to  
6 attempt to do so;

7           (2) To retaliate or discriminate in any manner against  
8 any other person because such person has opposed any  
9 practice prohibited by this chapter or because such person  
10 has filed a complaint, testified, assisted, or participated  
11 in any manner in any investigation, proceeding or hearing  
12 conducted pursuant to this chapter;

13           (3) For the state or any political subdivision of this  
14 state to discriminate on the basis of race, color, religion,  
15 national origin, sex, **sexual orientation, gender identity,**  
16 ancestry, age, as it relates to employment, disability, or  
17 familial status as it relates to housing; or

18           (4) To discriminate in any manner against any other  
19 person because of such person's association with any person  
20 protected by this chapter.

21           2. This chapter, in addition to chapter 285 and  
22 chapter 287, shall provide the exclusive remedy for any and  
23 all claims for injury or damages arising out of an  
24 employment relationship.

213.101. 1. The provisions of this chapter shall be  
2 construed to accomplish the purposes thereof and any law  
3 inconsistent with any provision of this chapter shall not  
4 apply. Nothing contained in this chapter shall be deemed to  
5 repeal any of the provisions of any law of this state  
6 relating to discrimination because of race, color, religion,  
7 national origin, sex, **sexual orientation, gender identity,**  
8 ancestry, age, disability, or familial status.

9           2. The general assembly hereby expressly abrogates the  
10 case of *McBryde v. Ritenour School District*, 207 S.W.3d 162  
11 (Mo.App. E.D. 2006), and its progeny as it relates to the

12 necessity and appropriateness of the issuance of a business  
13 judgment instruction. In all civil actions brought under  
14 this chapter, a jury shall be given an instruction  
15 expressing the business judgment rule.

16 3. If an employer in a case brought under this chapter  
17 files a motion pursuant to rule 74.04 of the Missouri rules  
18 of civil procedure, the court shall consider the burden-  
19 shifting analysis of *McDonnell Douglas Corp. v. Green*, 411  
20 U.S. 792 (1973), and its progeny to be highly persuasive for  
21 analysis in cases not involving direct evidence of  
22 discrimination.

23 4. The general assembly hereby expressly abrogates by  
24 this statute the cases of *Daugherty v. City of Maryland*  
25 *Heights*, 231 S.W.3d 814 (Mo. 2007) and its progeny as they  
26 relate to the contributing factor standard and abandonment  
27 of the burden-shifting framework established in *McDonnell*  
28 *Douglas Corp. v. Green*, 411 U.S. 792 (1973).

29 5. The general assembly hereby expressly abrogates by  
30 this statute the holding in *Hurst v. Kansas City Mo. School*  
31 *District*, 437 S.W.3d 327 (Mo.App. W.D. 2014), that Missouri  
32 Approved Instruction 19.01 may be applied to actions brought  
33 pursuant to this chapter, and the holding in *Thomas v.*  
34 *McKeever's Enterprises, Inc.*, 388 S.W.3d 206 (Mo.App. W.D.  
35 2012), that juries shall not be instructed that plaintiffs  
36 bear the burden of establishing "but for" causation in  
37 actions brought pursuant to this chapter.

38 6. The general assembly hereby abrogates all Missouri-  
39 approved jury instructions specifically addressing civil  
40 actions brought under this chapter which were in effect  
41 prior to August 28, 2017.

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