

FIRST REGULAR SESSION

# SENATE BILL NO. 109

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS JUSTUS, SMITH, DAYS, BRAY, WRIGHT-JONES AND GREEN.

Pre-filed December 3, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0073S.011

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## 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 human rights.

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Section A. Sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, to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

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

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

(2) "Commission", the Missouri commission on human rights;

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

(4) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having

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

17 such an impairment, or a record of having such an impairment, which with or  
18 without reasonable accommodation does not interfere with performing the job,  
19 utilizing the place of public accommodation, or occupying the dwelling in  
20 question. For purposes of this chapter, the term "disability" does not include  
21 current, illegal use of or addiction to a controlled substance as such term is  
22 defined by section 195.010, RSMo; however, a person may be considered to have  
23 a disability if that person:

24 (a) Has successfully completed a supervised drug rehabilitation program  
25 and is no longer engaging in the illegal use of, and is not currently addicted to,  
26 a controlled substance or has otherwise been rehabilitated successfully and is no  
27 longer engaging in such use and is not currently addicted;

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

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

32 (5) "Discrimination", any unfair treatment based on race, color, religion,  
33 national origin, ancestry, sex, **sexual orientation**, age as it relates to  
34 employment, disability, or familial status as it relates to  
35 housing. **Discrimination includes any unfair treatment based on a**  
36 **person's presumed or assumed race, color, religion, national origin,**  
37 **ancestry, sex, sexual orientation, age as it relates to employment,**  
38 **disability, or familial status as it relates to housing, whether or not the**  
39 **presumption or assumption as to such characteristics is correct;**

40 (6) "Dwelling", any building, structure or portion thereof which is occupied  
41 as, or designed or intended for occupancy as, a residence by one or more families,  
42 and any vacant land which is offered for sale or lease for the construction or  
43 location thereon of any such building, structure or portion thereof;

44 (7) "Employer", includes the state, or any political or civil subdivision  
45 thereof, or any person employing six or more persons within the state, and any  
46 person directly acting in the interest of an employer, but does not include  
47 corporations and associations owned and operated by religious or sectarian  
48 groups;

49 (8) "Employment agency", includes any person or agency, public or  
50 private, regularly undertaking with or without compensation to procure  
51 employees for an employer or to procure for employees opportunities to work for  
52 an employer and includes any person acting in the interest of such a person;

53 (9) "Executive director", the executive director of the Missouri commission  
54 on human rights;

55 (10) "Familial status", one or more individuals who have not attained the  
56 age of eighteen years being domiciled with:

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

58 (b) The designee of such parent or other person having such custody, with  
59 the written permission of such parent or other person. The protections afforded  
60 against discrimination on the basis of familial status shall apply to any person  
61 who is pregnant or is in the process of securing legal custody of any individual  
62 who has not attained the age of eighteen years;

63 (11) "Human rights fund", a fund established to receive civil penalties as  
64 required by federal regulations and as set forth by subdivision (2) of subsection  
65 11 of section 213.075, and which will be disbursed to offset additional expenses  
66 related to compliance with the Department of Housing and Urban Development  
67 regulations;

68 (12) "Labor organization", includes any organization which exists for the  
69 purpose, in whole or in part, of collective bargaining or of dealing with employers  
70 concerning grievances, terms or conditions of employment, or for other mutual aid  
71 or protection in relation to employment;

72 (13) "Local commissions", any commission or agency established prior to  
73 August 13, 1986, by an ordinance or order adopted by the governing body of any  
74 city, constitutional charter city, town, village, or county;

75 (14) "Person", includes one or more individuals, corporations,  
76 partnerships, associations, organizations, labor organizations, legal  
77 representatives, mutual companies, joint stock companies, trusts, trustees,  
78 trustees in bankruptcy, receivers, fiduciaries, or other organized groups of  
79 persons;

80 (15) "Places of public accommodation", all places or businesses offering or  
81 holding out to the general public, goods, services, privileges, facilities, advantages  
82 or accommodations for the peace, comfort, health, welfare and safety of the  
83 general public or such public places providing food, shelter, recreation and  
84 amusement, including, but not limited to:

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

89 (b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or  
90 other facility principally engaged in selling food for consumption on the premises,  
91 including, but not limited to, any such facility located on the premises of any  
92 retail establishment;

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

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

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

100 (f) Any establishment which is physically located within the premises of  
101 any establishment otherwise covered by this section or within the premises of  
102 which is physically located any such covered establishment, and which holds itself  
103 out as serving patrons of such covered establishment;

104 (16) "Rent", includes to lease, to sublease, to let and otherwise to grant  
105 for consideration the right to occupy premises not owned by the occupant;

106 (17) "Respondent", a person who is alleged to have engaged in a prohibited  
107 discriminatory practice in a complaint filed with the commission;

108 (18) "**Sexual orientation**", **male or female heterosexuality,**  
109 **homosexuality, or bisexuality by inclination, practice, identity, or**  
110 **expression, or having a self-image or identity not traditionally**  
111 **associated with one's gender;**

112 (19) "Unlawful discriminatory practice", any act that is unlawful under  
113 this chapter.

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

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

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

12 (3) To formulate policies to implement the purposes of this chapter and  
13 to make recommendations to agencies and officers of the state and political  
14 subdivisions in aid of such policies and purposes;

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

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

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

23 (7) To receive, investigate, initiate, and pass upon complaints alleging  
24 discrimination in employment, housing or in places of public accommodations  
25 because of race, color, religion, national origin, ancestry, sex, **sexual**  
26 **orientation**, age as it relates to employment, disability, or familial status as it  
27 relates to housing and to require the production for examination of any books,  
28 papers, records, or other materials relating to any matter under investigation;

29 (8) To hold hearings, subpoena witnesses, compel their attendance,  
30 administer oaths, to take the testimony of any person under oath, and, in  
31 connection therewith, to require the production for examination of any books,  
32 papers or other materials relating to any matter under investigation or in  
33 question before the commission;

34 (9) To issue publications and the results of studies and research which  
35 will tend to promote goodwill and minimize or eliminate discrimination in  
36 housing, employment or in places of public accommodation because of race, color,  
37 religion, national origin, ancestry, sex, **sexual orientation**, age as it relates to  
38 employment, disability, or familial status as it relates to housing;

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

41 (11) To adopt an official seal;

42 (12) To cooperate, act jointly, enter into cooperative or work-sharing  
43 agreements with the United States Equal Employment Opportunity Commission,  
44 the United States Department of Housing and Urban Development, and other  
45 federal agencies and local commissions or agencies to achieve the purposes of this  
46 chapter;

47 (13) To accept grants, private gifts, bequests, and establish funds to

48 dispose of such moneys so long as the conditions of the grant, gift, or bequest are  
49 not inconsistent with the purposes of this chapter and are used to achieve the  
50 purposes of this chapter;

51 (14) To establish a human rights fund as defined in section 213.010, for  
52 the purposes of administering sections 213.040, 213.045, 213.050, 213.070,  
53 213.075, and 213.076.

54 2. [No rule or portion of a rule promulgated under the authority of this  
55 chapter shall become effective unless it has been promulgated pursuant to the  
56 provisions of section 536.024 , RSMo.] **Any rule or portion of a rule, as that**  
57 **term is defined in section 536.010, RSMo, that is created under the**  
58 **authority delegated in this section shall become effective only if it**  
59 **complies with and is subject to all of the provisions of chapter 536,**  
60 **RSMo, and, if applicable, section 536.028, RSMo. This section and**  
61 **chapter 536, RSMo, are nonseverable and if any of the powers vested**  
62 **with the general assembly pursuant to chapter 536, RSMo, to review, to**  
63 **delay the effective date, or to disapprove and annul a rule are**  
64 **subsequently held unconstitutional, then the grant of rulemaking**  
65 **authority and any rule proposed or adopted after August 28, 2009, shall**  
66 **be invalid and void.**

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

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

6 (2) To discriminate against any person in the terms, conditions, or  
7 privileges of sale or rental of a dwelling, or in the provision of services or  
8 facilities in connection therewith, because of race, color, religion, national origin,  
9 ancestry, sex, **sexual orientation**, disability, or familial status;

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

16 (4) To represent to any person because of race, color, religion, national  
17 origin, ancestry, sex, **sexual orientation**, disability, or familial status that any

18 dwelling is not available for inspection, sale, or rental when such dwelling is in  
19 fact so available;

20 (5) To induce or attempt to induce any person to sell or rent any dwelling  
21 by representations regarding the entry or prospective entry into the neighborhood  
22 of a person or persons of a particular race, color, religion, national origin,  
23 ancestry, sex, **sexual orientation**, disability, or familial status;

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

26 (a) That buyer or renter;

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

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

30 (7) To discriminate against any person in the terms, conditions, or  
31 privileges of sale or rental of a dwelling, or in the provision of services or  
32 facilities in connection with such dwelling, because of a disability of:

33 (a) That person;

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

36 (c) Any person associated with that person.

37 2. For purposes of this section and sections 213.045 and 213.050,  
38 discrimination includes:

39 (1) A refusal to permit, at the expense of the person with the disability,  
40 reasonable modifications of existing premises occupied or to be occupied by such  
41 person if such modifications may be necessary to afford such person full  
42 enjoyment of the premises, except that, in the case of a rental, the landlord may,  
43 where it is reasonable to do so, condition permission for a modification on the  
44 renter's agreeing to restore the interior of the premises to the condition that  
45 existed before the modification, reasonable wear and tear excepted;

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

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

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

54 (b) All the doors designed to allow passage into and within all premises  
55 within such dwellings are sufficiently wide to allow passage by persons with a  
56 disability in wheelchairs; and

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

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

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

62 c. Reinforcements in bathroom walls to allow later installation of grab  
63 bars; and

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

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

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

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

71 4. Compliance with the appropriate requirements of the American  
72 National Standard for Buildings and Facilities providing accessibility and  
73 usability for people with physical disabilities, commonly cited as "ANSI A117.1",  
74 suffices to satisfy the requirements of paragraph (a) of subdivision (3) of  
75 subsection 2 of this section.

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

80 (1) A unit of general local government may review and approve newly  
81 constructed covered multifamily dwellings for the purpose of making  
82 determinations as to whether the design and construction requirements of  
83 subdivision (3) of subsection 2 of this section are met;

84 (2) The commission shall encourage, but may not require, the units of  
85 local government to include in their existing procedures for the review and  
86 approval of newly constructed covered multifamily dwellings, determinations as  
87 to whether the design and construction of such dwellings are consistent with  
88 subdivision (3) of subsection 2 of this section, and shall provide technical  
89 assistance to units of local government and other persons to implement the



90 requirements of subdivision (3) of subsection 2 of this section;

91 (3) Nothing in this chapter shall be construed to require the commission  
92 to review or approve the plans, designs or construction of all covered dwellings,  
93 to determine whether the design and construction of such dwellings are consistent  
94 with the requirements of subdivision (3) of subsection 2 of this section.

95 6. Nothing in this chapter shall be construed to invalidate or limit any  
96 law of the state or political subdivision of the state, or other jurisdiction in which  
97 this chapter shall be effective, that requires dwellings to be designed and  
98 constructed in a manner that affords persons with disabilities greater access than  
99 is required by this chapter.

100 7. Nothing in this section and sections 213.045 and 213.050 requires that  
101 a dwelling be made available to an individual whose tenancy would constitute a  
102 direct threat to the health or safety of other individuals or whose tenancy would  
103 result in substantial physical damage to the property of others.

104 8. Nothing in this section and sections 213.045 and 213.050 limits the  
105 applicability of any reasonable local or state restriction regarding the maximum  
106 number of occupants permitted to occupy a dwelling, nor does any provision in  
107 this section and sections 213.045 and 213.050 regarding familial status apply  
108 with respect to housing for older persons.

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

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

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

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

120 (a) The existence of significant facilities and services specifically designed  
121 to meet the physical or social needs of older persons, or if the provision of such  
122 facilities and services is not practicable, that such housing is necessary to provide  
123 important housing opportunities for older persons; and

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

126 (c) The publication of, and adherence to, policies and procedures which  
127 demonstrate an intent by the owner or manager to provide housing for persons  
128 fifty-five years of age or older.

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

131 (1) Persons residing in such housing as of August 28, 1992, who do not  
132 meet the age requirements of subdivision (2) or (3) of subsection 9 of this section,  
133 provided that new occupants of such housing meet the age requirements of  
134 subdivision (2) or (3) of subsection 9 of this section; or

135 (2) Unoccupied units, provided that such units are reserved for occupancy  
136 by persons who meet the age requirements of subdivision (2) or (3) of subsection  
137 9 of this section.

138 11. Nothing in this section or section 213.045 or 213.050 shall prohibit  
139 conduct against a person because such person has been convicted by any court of  
140 competent jurisdiction of the illegal manufacture or distribution of a controlled  
141 substance, as defined by section 195.010, RSMo.

142 12. Nothing in this chapter shall prohibit a religious organization,  
143 association, or society, or any nonprofit institution or organization operated,  
144 supervised or controlled by or in conjunction with a religious organization,  
145 association, or society, from limiting the sale, rental or occupancy of dwellings  
146 which it owns or operates for other than a commercial purpose to persons of the  
147 same religion, or from giving preference to such persons, unless membership in  
148 such religion is restricted on account of race, color, or national origin. Nor shall  
149 anything in this chapter prohibit a private club not in fact open to the public,  
150 which as an incident to its primary purpose or purposes provides lodging which  
151 it owns or operates for other than a commercial purpose, from limiting the rental  
152 or occupancy of such lodging to its members or from giving preference to its  
153 members.

154 13. Nothing in this chapter, other than the prohibitions against  
155 discriminatory advertising in subdivision (3) of subsection 1 of this section, shall  
156 apply to:

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

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

161 (b) The house is sold or rented without the use of a real estate broker,

162 agent or salesperson or the facilities of any person in the business of selling or  
163 renting dwellings and without publication, posting or mailing of any  
164 advertisement. If the owner selling the house does not reside in it at the time of  
165 the sale or was not the most recent resident of the house prior to such sale, the  
166 exemption in this section applies to only one such sale in any twenty-four-month  
167 period; or

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

213.045. It shall be unlawful for any bank, building and loan association,  
2 insurance company or other corporation, association, firm or enterprise whose  
3 business consists in whole or in part in the making of commercial real estate  
4 loans, to deny a loan or other financial assistance because of race, color, religion,  
5 national origin, ancestry, sex, **sexual orientation**, disability or familial status  
6 to a person applying therefor for the purpose of purchasing, construction,  
7 improving, repairing, or maintaining a dwelling, or to discriminate against [him]  
8 **such person** in fixing of the amount, interest rate, duration or other terms or  
9 conditions of such loan or other financial assistance, because of the race, color,  
10 religion, national origin, ancestry, sex, **sexual orientation**, disability, or familial  
11 status of such person or of any person associated with [him] **such person** in  
12 connection with such loan or other financial assistance, or of the present or  
13 prospective owners, lessees, tenants, or occupants, of the dwellings in relation to  
14 which such loan or other financial assistance is to be made or given.

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

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

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

4 (a) To fail or refuse to hire or to discharge any individual, or otherwise to  
5 discriminate against any individual with respect to his **or her** compensation,  
6 terms, conditions, or privileges of employment, because of such individual's race,  
7 color, religion, national origin, sex, **sexual orientation**, ancestry, age or

8 disability;

9 (b) To limit, segregate, or classify [his] **such person's** employees or [his]  
10 **such person's** employment applicants in any way which would deprive or tend  
11 to deprive any individual of employment opportunities or otherwise adversely  
12 affect his status as an employee, because of such individual's race, color, religion,  
13 national origin, sex, **sexual orientation**, ancestry, age or disability;

14 (2) For a labor organization to exclude or to expel from its membership  
15 any individual or to discriminate in any way against any of its members or  
16 against any employer or any individual employed by an employer because of race,  
17 color, religion, national origin, sex, **sexual orientation**, ancestry, age or  
18 disability of any individual; or to limit, segregate, or classify its membership, or  
19 to classify or fail or refuse to refer for employment any individual, in any way  
20 which would deprive or tend to deprive any individual of employment  
21 opportunities, or would limit such employment opportunities or otherwise  
22 adversely affect [his] **such individual's** status as an employee or as an  
23 applicant for employment, because of such individual's race, color, religion,  
24 national origin, sex, **sexual orientation**, ancestry, age or disability; or for any  
25 employer, labor organization, or joint labor-management committee controlling  
26 apprenticeship or other training or retraining, including on-the-job training  
27 programs to discriminate against any individual because of [his] **such**  
28 **individual's** race, color, religion, national origin, sex, **sexual orientation**,  
29 ancestry, age or disability in admission to, or employment in, any program  
30 established to provide apprenticeship or other training;

31 (3) For any employer or employment agency to print or circulate or cause  
32 to be printed or circulated any statement, advertisement or publication, or to use  
33 any form of application for employment or to make any inquiry in connection with  
34 prospective employment, which expresses, directly or indirectly, any limitation,  
35 specification, or discrimination, because of race, color, religion, national origin,  
36 sex, **sexual orientation**, ancestry, age or disability unless based upon a bona  
37 fide occupational qualification or for an employment agency to fail or refuse to  
38 refer for employment, or otherwise to discriminate against, any individual  
39 because of [his] **such individual's** race, color, religion, national origin, sex,  
40 **sexual orientation**, ancestry, age as it relates to employment, or disability, or  
41 to classify or refer for employment any individual on the basis of [his] race, color,  
42 religion, national origin, sex, **sexual orientation**, ancestry, age or disability.

43 2. Notwithstanding any other provision of this chapter, it shall not be an

44 unlawful employment practice for an employer to apply different standards of  
45 compensation, or different terms, conditions or privileges of employment pursuant  
46 to a bona fide seniority or merit system, or a system which measures earnings by  
47 quantity or quality of production or to employees who work in different locations,  
48 provided that such differences or such systems are not the result of an intention  
49 or a design to discriminate, and are not used to discriminate, because of race,  
50 color, religion, sex, **sexual orientation**, national origin, ancestry, age or  
51 disability, nor shall it be an unlawful employment practice for an employer to  
52 give and to act upon the results of any professionally developed ability test,  
53 provided that such test, its administration, or action upon the results thereof, is  
54 not designed, intended or used to discriminate because of race, color, religion,  
55 national origin, sex, **sexual orientation**, ancestry, age or disability.

56 3. Nothing contained in this chapter shall be interpreted to require any  
57 employer, employment agency, labor organization, or joint labor-management  
58 committee subject to this chapter to grant preferential treatment to any  
59 individual or to any group because of the race, color, religion, national origin, sex,  
60 **sexual orientation**, ancestry, age or disability of such individual or group on  
61 account of an imbalance which may exist with respect to the total number or  
62 percentage of persons of any race, color, religion, national origin, sex, **sexual**  
63 **orientation**, ancestry, age or disability employed by any employer, referred or  
64 classified for employment by any employment agency or labor organization,  
65 admitted to membership or classified by any labor organization, or admitted to  
66 or employed in any apprenticeship or other training program, in comparison with  
67 the total number or percentage of persons of such race, color, religion, national  
68 origin, sex, **sexual orientation**, ancestry, age or disability in any community,  
69 state, section, or other area, or in the available workforce in any community,  
70 state, section, or other area.

71 4. Notwithstanding any other provision of this chapter, it shall not be an  
72 unlawful employment practice for the state or any political subdivision of the  
73 state to comply with the provisions of 29 U.S.C. 623 relating to employment as  
74 firefighters or law enforcement officers.

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

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

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

          213.070. It shall be an unlawful discriminatory practice:

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

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

9           (3) For the state or any political subdivision of this state to discriminate  
10 on the basis of race, color, religion, national origin, sex, **sexual orientation**,  
11 ancestry, age, as it relates to employment, disability, or familial status as it  
12 relates to housing; or

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

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