

SENATE BILL NO. 1218

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

4558S.011

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 unlawful discriminatory practices.

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3 repealed and nine new sections enacted in lieu thereof, to be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) **"A motivating factor", the employee's protected**
4 **classification that actually played a role in the adverse**
5 **action or decision and had a determinative influence on the**
6 **adverse decision or action;**

7 (2) **"Age", an age of forty or more years but less than**
8 **seventy years, except that it shall not be an unlawful**
9 **employment practice for an employer to require the**
10 **compulsory retirement of any person who has attained the age**
11 **of sixty-five and who, for the two-year period immediately**
12 **before retirement, is employed in a bona fide executive or**
13 **high policy-making position, if such person is entitled to**
14 **an immediate nonforfeitable annual retirement benefit from a**

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

15 pension, profit sharing, savings or deferred compensation
16 plan, or any combination of such plans, of the employer,
17 which equals, in the aggregate, at least forty-four thousand
18 dollars;

19 [(2)] (3) "Because" or "because of", as it relates to
20 the adverse decision or action, the protected criterion was
21 the motivating factor;

22 [(3)] (4) "Commission", the Missouri commission on
23 human rights;

24 [(4)] (5) "Complainant", a person who has filed a
25 complaint with the commission alleging that another person
26 has engaged in a prohibited discriminatory practice;

27 [(5)] (6) "Disability", a physical or mental
28 impairment which substantially limits one or more of a
29 person's major life activities, being regarded as having
30 such an impairment, or a record of having such an
31 impairment, which with or without reasonable accommodation
32 does not interfere with performing the job, utilizing the
33 place of public accommodation, or occupying the dwelling in
34 question. For purposes of this chapter, the term
35 "disability" does not include current, illegal use of or
36 addiction to a controlled substance as such term is defined
37 by section 195.010; however, a person may be considered to
38 have a disability if that person:

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

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

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

50 [(6)] (7) "Discrimination", conduct proscribed herein,
51 taken because of race, color, religion, national origin,
52 ancestry, sex, [or] **sexual orientation, gender identity, or**
53 **age, as it relates to employment, disability, veteran**
54 **status, or familial status as it relates to housing.**
55 **Discrimination includes any unfair treatment based on a**
56 **person's presumed or assumed race, color, religion, national**
57 **origin, ancestry, sex, sexual orientation, gender identity,**
58 **or age, as it relates to employment, disability, veteran**
59 **status, or familial status as it relates to housing,**
60 **regardless of whether the presumption or assumption as to**
61 **such characteristic is correct;**

62 [(7)] (8) "Dwelling", any building, structure or
63 portion thereof which is occupied as, or designed or
64 intended for occupancy as, a residence by one or more
65 families, and any vacant land which is offered for sale or
66 lease for the construction or location thereon of any such
67 building, structure or portion thereof;

68 [(8)] (9) "Employer", a person engaged in an industry
69 affecting commerce who has six or more employees for each
70 working day in each of twenty or more calendar weeks in the
71 current or preceding calendar year, and shall include the
72 state, or any political or civil subdivision thereof, or any
73 person employing six or more persons within the state but
74 does not include corporations and associations owned [or]
75 **and** operated by religious or sectarian organizations.

76 "Employer" shall not include:

77 (a) The United States;

78 (b) A corporation wholly owned by the government of
79 the United States;

80 (c) [An individual employed by an employer;

81 (d)] An Indian tribe;

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

85 [(f)] (e) A bona fide private membership club, other
86 than a labor organization, that is exempt from taxation
87 under 26 U.S.C. Section 501(c);

88 [(9)] (10) "Employment agency" includes any person or
89 agency, public or private, regularly undertaking with or
90 without compensation to procure employees for an employer or
91 to procure for employees opportunities to work for an
92 employer;

93 [(10)] (11) "Executive director", the executive
94 director of the Missouri commission on human rights;

95 [(11)] (12) "Familial status", one or more individuals
96 who have not attained the age of eighteen years being
97 domiciled with:

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

100 (b) The designee of such parent or other person having
101 such custody, with the written permission of such parent or
102 other person. The protections afforded against
103 discrimination because of familial status shall apply to any
104 person who is pregnant or is in the process of securing
105 legal custody of any individual who has not attained the age
106 of eighteen years;

107 (13) "Gender identity", the gender-related identity,
108 appearance, mannerisms, or other gender-related

characteristics of an individual, with or without regard to the individual's assigned sex at birth;

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

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

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

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

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

(a) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an

establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as [his] the proprietor's residence;

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

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

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

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

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

(19) "Race", includes a perception that a person is of a particular racial group based upon:

(a) Shared physical traits associated with ancestral origin or ethnicity;

(b) Shared cultural attributes;

(c) Wearing of protective hairstyles including, but not limited to, hairstyles and coverings that are designed

to protect textured hair from damage so it may be worn in its natural state such as braids, wigs, locks, twists, and afros; and

(d) Similar physical characteristics such as skin color and facial features;

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

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

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

(22) "Sexual orientation", one's actual or perceived emotional or physical attraction to, or romantic or physical relationships with, members of the same gender, members of a different gender, or members of any gender; or the lack of any emotional or physical attraction to, or romantic or physical relationships with, anyone. The term "sexual orientation" includes a history of such attraction or relationship or a history of no such attraction or relationship;

[(20)] (23) "Unlawful discriminatory practice", any act that is unlawful under this chapter;

(24) "Veteran status", an individual who served in a branch of the military of the United States or in the Missouri National Guard and was discharged for any reason other than dishonorable discharge or bad conduct discharge.

213.030. 1. The powers and duties of the commission 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, **veteran status**, or familial
7 status as it relates to housing and to take other actions
8 against discrimination because of race, color, religion,
9 national origin, ancestry, sex, **sexual orientation, gender**
10 **identity**, age, disability, **veteran status**, or familial
11 status as provided by law; and the commission is hereby
12 given general jurisdiction and power for such 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, **veteran status**, or familial status
38 as it relates to housing and to require the production for
39 examination of any books, papers, records, or other
40 materials relating to any 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, **veteran status**, or familial status
54 as it relates to 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

conditions of the grant, gift, or bequest are not inconsistent with the purposes of this chapter and are used to achieve the purposes of this chapter;

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

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

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

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

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

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

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

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

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

(a) That buyer or renter;

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

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

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

(a) That person;

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

(c) Any person associated with that person.

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

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

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

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

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

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

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

- 81 a. An accessible route into and through the dwelling;
- 82 b. Light switches, electrical outlets, thermostats,
83 and other environmental controls in accessible locations;
- 84 c. Reinforcements in bathroom walls to allow later
85 installation of grab bars; and

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

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

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

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

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

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

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

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

118 local government and other persons to implement the
119 requirements of subdivision (3) of subsection 2 of this
120 section;

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

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

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

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

147 9. As used in this section and sections 213.045 and
148 213.050, "housing for older persons" means housing:

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

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

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

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

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

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

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

175 (1) Persons residing in such housing as of August 28,
176 1992, who do not meet the age requirements of subdivision
177 (2) or (3) of subsection 9 of this section, provided that
178 new occupants of such housing meet the age requirements of
179 subdivision (2) or (3) of subsection 9 of this section; or

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

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

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

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

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

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

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

224 (2) Rooms or units in dwellings containing living
225 quarters occupied or intended to be occupied by no more than
226 four families living independently of each other, if the
227 owner actually maintains and occupies one of such living
228 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, **veteran status,** or familial status to a person
9 applying therefor for the purpose of purchasing,
10 construction, improving, repairing, or maintaining a
11 dwelling, or to discriminate against [him] **such person** in
12 fixing of the amount, interest rate, duration or other terms
13 or conditions of such loan or other financial assistance,
14 because of the race, color, religion, national origin,
15 ancestry, sex, **sexual orientation, gender identity,**

16 disability, **veteran status**, or familial status of such
17 person or of any person associated with [him] **such person** in
18 connection with such loan or other financial assistance, or
19 of the present or prospective owners, lessees, tenants, or
20 occupants, of the dwellings in relation to which such loan
21 or other financial assistance is to be 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, **veteran status**, or
8 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, **or veteran status**
6 of any individual:

7 (a) To fail or refuse to hire or to discharge any
8 individual, or otherwise to discriminate against any
9 individual with respect to [his] **such individual's**
10 compensation, terms, conditions, or privileges of
11 employment, because of such individual's race, color,
12 religion, national origin, sex, **sexual orientation, gender**
13 **identity**, ancestry, age [or], disability, **or veteran status**;

14 (b) To limit, segregate, or classify [his] employees
15 or [his] employment applicants in any way which would
16 deprive or tend to deprive any individual of employment
17 opportunities or otherwise adversely affect [his] **such**
18 **individual's** status as an employee, because of such

19 individual's race, color, religion, national origin, sex,
20 **sexual orientation, gender identity**, ancestry, age [or],
21 disability, **or veteran status**;

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

47 (3) For any employer or employment agency to print or
48 circulate or cause to be printed or circulated any
49 statement, advertisement or publication, or to use any form
50 of application for employment or to make any inquiry in

51 connection with prospective employment, which expresses,
52 directly or indirectly, any limitation, specification, or
53 discrimination, because of race, color, religion, national
54 origin, sex, **sexual orientation, gender identity**, ancestry,
55 age [or], disability, **or veteran status** unless based upon a
56 bona fide occupational qualification or for an employment
57 agency to fail or refuse to refer for employment, or
58 otherwise to discriminate against, any individual because of
59 his or her race, color, religion, national origin, sex,
60 **sexual orientation, gender identity**, ancestry, age, as it
61 relates to employment, [or] disability, **or veteran status**,
62 or to classify or refer for employment any individual
63 because of [his or her] **such individual's** race, color,
64 religion, national origin, sex, **sexual orientation, gender**
65 **identity**, ancestry, age [or], disability, **or veteran status**.

66 2. Notwithstanding any other provision of this
67 chapter, it shall not be an unlawful employment practice for
68 an employer to apply different standards of compensation, or
69 different terms, conditions or privileges of employment
70 pursuant to a bona fide seniority or merit system, or a
71 system which measures earnings by quantity or quality of
72 production or to employees who work in different locations,
73 provided that such differences or such systems are not the
74 result of an intention or a design to discriminate, and are
75 not used to discriminate, because of race, color, religion,
76 sex, **sexual orientation, gender identity**, national origin,
77 ancestry, age [or], disability, **or veteran status**, nor shall
78 it be an unlawful employment practice for an employer to
79 give and to act upon the results of any professionally
80 developed ability test, provided that such test, its
81 administration, or action upon the results thereof, is not
82 designed, intended or used to discriminate because of race,

83 color, religion, national origin, sex, **sexual orientation,**
84 **gender identity,** ancestry, age [or], disability, **or veteran**
85 **status.**

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

108 4. Notwithstanding any other provision of this
109 chapter, it shall not be an unlawful employment practice for
110 the state or any political subdivision of the state to
111 comply with the provisions of 29 U.S.C. Section 623 relating
112 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

entitled to the full and equal use and enjoyment within this state of any place of public accommodation, as hereinafter defined, without discrimination or segregation because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, [or] disability, **or veteran status**.

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

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

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

(1) To aid, abet, incite, compel, or coerce the commission of acts prohibited under this chapter or to 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,
17 **veteran status,** or familial status as it relates to housing;
18 or

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

22 2. This chapter, in addition to chapter 285 and
23 chapter 287, shall provide the exclusive remedy for any and
24 all claims for injury or damages arising out of an
25 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, **veteran status,** or familial
9 status.

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

14 judgment instruction. In all civil actions brought under
15 this chapter, a jury shall be given an instruction
16 expressing the business judgment rule.

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

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

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

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

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