

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 33, Section
2 197.295, Line 17, by inserting after all of said section and line the following:

3
4 "285.900. 1. As used in this section, the following terms shall mean:

5 (1) "Adverse employment action", includes, but is not limited to, termination, demotion or
6 refusal to promote or advance, loss of career specialty, reassignment to a different shift, reduction of
7 wages or benefits, refusal to provide training opportunities or transfer to a different department,
8 adverse administrative action, or any other penalty, disciplinary, or retaliatory action;

9 (2) "Employer", any person who employs six or more persons exclusive of that person's
10 parents, spouse, or children;

11 (3) "Employment agency", any person undertaking for compensation to procure
12 opportunities to work or to procure, recruit, refer, or place employees;

13 (4) "Individual", one or more individuals;

14 (5) "Labor organization", any organization that exists for the purpose, in whole or in part, of
15 collective bargaining or of dealing with employers concerning grievances, terms or conditions of
16 employment, or for other mutual aid or protection in relation to employment;

17 (6) "Person", one or more individuals, partnerships, associations, unincorporated
18 organizations, corporations, mutual companies, joint stock companies, legal representatives, trusts,
19 trustees, labor organizations, fiduciaries, trustees in bankruptcy, or receivers.

20 2. It shall be a prohibited discriminatory employment practice:

21 (1) For an employer to fail or refuse to hire, to discharge or otherwise to discriminate
22 against any individuals with respect to compensation or the terms, conditions, or privileges of
23 employment because of their private medical history or medical choices;

24 (2) For an employer to take any adverse employment action against an employee based on
25 the private medical history or medical choice by an employee or employee's dependent;

26 (3) For a labor organization to exclude or expel from membership or otherwise to
27 discriminate against any applicants or members because of their private medical history or medical
28 choices;

29 (4) For an employment agency to fail or refuse to refer for employment or otherwise to
30 discriminate against any individuals because of their private medical history or medical choices;

31 (5) For an employer, labor organization, or employment agency to print or circulate, or
32 cause to be printed or circulated, any statement, advertisement, or publication, or to make any
33 inquiry in connection with prospective employment, that expresses directly or indirectly any
34 preference, limitation, specification, or discrimination because of private medical history or medical
35 choices, unless based upon a bona fide occupational qualification.

36 3. The provisions of subsection 2 of this section shall not apply if the private medical

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1 history or medical choices of an individual directly impede the individual's ability to perform any
 2 essential job function. Nevertheless, inquiries into an individual's medical history or medical
 3 choices shall be job-related and consistent with business necessity.

4 4. Nothing in this section shall prohibit a religious institution, corporation, association,
 5 society, health care facility, or educational institution with historic religious affiliation from:

6 (1) Prohibiting the provision of any reproductive health service on property owned or leased
 7 by it;

8 (2) Refusing to provide or pay for any reproductive health service to any patient, student, or
 9 employee;

10 (3) Establishing employment policies that include requirements that an employee follow
 11 certain medical guidelines that are reasonably based on the established religious beliefs or practices
 12 of the organization, so long as such policies apply uniformly to similarly situated employees; or

13 (4) Refusing to provide health insurance coverage to any employee for any reproductive
 14 health service.

15 441.900. 1. As used in this section, the following terms shall mean:

16 (1) "Dwelling", any building, structure, or portion thereof which is occupied as, or designed
 17 or intended for occupancy as, a residence by one or more families, and any vacant land which is
 18 offered for sale or lease for the construction or location thereon of any such building, structure, or
 19 portion thereof;

20 (2) "Financial institution", any bank, banking organization, mortgage company, insurance
 21 company, investment company, or other lender to whom application is made for financial assistance
 22 for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or
 23 improvement of real property, or an individual employed by or acting on behalf of or as agent of
 24 any of these;

25 (3) "Individual", one or more individuals;

26 (4) "Person", one or more individuals, partnerships, associations, unincorporated
 27 organizations, corporations, mutual companies, joint stock companies, legal representatives, trusts,
 28 trustees, labor organizations, fiduciaries, trustees in bankruptcy, or receivers;

29 (5) "Real estate broker" or "real estate salesperson", any person who on behalf of others, for
 30 a fee, commission, salary, or other valuable consideration, or who with the intention or the
 31 expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or leases
 32 real estate, or the
 33 improvement thereon, including options, or who negotiates or attempts to negotiate on behalf of
 34 others such an activity; or who advertises or holds himself or herself out as engaged in such
 35 activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage
 36 or other encumbrance upon a transfer of real estate, or who is engaged in the business of charging
 37 an advance fee or contracting for collection of a fee in connection with a contract whereby he or she
 38 undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing
 39 in a publication issued primarily for such purpose; or an individual employed by or acting on behalf
 40 of any of these;

41 (6) "Realty", real estate, lands, buildings, structures, housing accommodations, dwellings,
 42 tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal or incorporeal, or
 43 any interest in the above;

44 (7) "To rent", to lease, to sublease, to let, and otherwise to grant for a consideration the right
 45 to occupy premises not owned by the occupant.

46 2. It shall be a prohibited housing or realty practice and shall constitute a discriminatory
 47 housing practice:

48 (1) For any person, including, without limitation, any real estate broker, real estate

1 salesperson, or agent, or any employee thereof, to discriminate against any individuals because of
 2 their private medical history or medical choices, with respect to the use, enjoyment, or transfer, or
 3 prospective use, enjoyment, or transfer, of any interest whatsoever in realty, or with respect to the
 4 terms, conditions, privileges, or services granted or rendered in connection therewith, or with
 5 respect to the making or purchasing of loans for the purchase or maintenance of residential real
 6 estate or loans in the secondary market, or the provision of other financial assistance, or with respect
 7 to the terms, conditions, privileges, or services granted or rendered in connection with any interest
 8 whatsoever in realty, or with respect to the making of loans secured by residential real estate;

9 (2) For any person, including, without limitation, any banking, money lending, credit
 10 securing, or other financial institution, or any officer, agent, or employee thereof, to discriminate
 11 against any individuals because of their private medical history or medical choices with respect to
 12 the granting or withholding of credit or financial assistance, or the extending or renewing of credit
 13 or financial assistance, or modifying of rates, terms, conditions, privileges, or other provisions of
 14 credit or financial assistance, or services retained or rendered, in connection with the transfer or
 15 prospective transfer of any interest whatsoever in realty, or in connection with the construction,
 16 repair, improvement, or
 17 rehabilitation of realty;

18 (3) For any real estate broker, real estate salesperson, or agent, or any employee thereof, or
 19 any other person seeking financial gain thereby, directly or indirectly to induce or solicit, or attempt
 20 to induce or solicit, the transfer of any interest whatsoever in realty by making or distributing, or
 21 causing to be made or distributed, any statement or representation concerning the entry or
 22 prospective entry into the neighborhood of an individual based on such individual's private medical
 23 history or medical choices;

24 (4) For any person to refuse to sell or rent after the making of a bona fide offer, or to refuse
 25 to negotiate the sale or rental of, or otherwise make unavailable or deny a dwelling to any individual
 26 because of such individual's private medical history or medical choices;

27 (5) For any person to discriminate against any other individual in the terms, conditions, or
 28 privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection
 29 therewith, because of that individual's private medical history or medical choices;

30 (6) For any person to make, print, or publish, or cause to be made, printed, or published,
 31 any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates
 32 any preference, limitation, or discrimination based on private medical history or medical choices or
 33 an intention to make any such preference, limitation, or discrimination;

34 (7) For any person to represent to any individual because of such individual's private
 35 medical history or medical choices that any dwelling is not available for inspection, sale, or rental
 36 when such dwelling is, in fact, so available; or

37 (8) For any person to deny any individual access to or membership or participation in any
 38 multiple-listing service, real estate brokers' organization, or other service, organization, or facility
 39 relating to the business of selling or renting dwellings, or to discriminate against him or her in the
 40 terms or conditions of such access, membership, or participation on account of such individual's
 41 private medical history or medical choices.

42 3. Nothing in this section shall prohibit a religious institution, corporation, association,
 43 society, health care facility, or educational institution with historic religious affiliation from:

44 (1) Prohibiting the provision of any reproductive health service on property owned or leased
 45 by it;

46 (2) Refusing to provide or pay for any reproductive health service to any patient, student, or
 47 employee;

48 (3) Refusing to sell, rent, lease, inspect, transfer, or secure property or grant, withhold,

1 extend, or renew credit or financial assistance to any individuals whose private medical history or
2 medical choices conflict with the religious beliefs or moral convictions of the religious institution,
3 corporation, association, society, health care facility, or educational institution with historic religious
4 affiliation; or

5 (4) Refusing to provide health insurance coverage to any employee for any reproductive
6 health service."; and

7
8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.