

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after all of said line  
2 the following:

3  
4 "213.010. As used in this chapter, the following terms shall mean:

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

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

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

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

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

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

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

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

32 (6) "Discrimination", conduct proscribed herein, taken because of race, color, religion,  
33 national origin, ancestry, sex, ~~and~~ sexual orientation, gender identity, age as it relates to  
34 employment, disability, or familial status as it relates to housing. Discrimination includes any unfair  
35 treatment based on a person's presumed or assumed race, color, religion, national origin, ancestry,  
36 sex, sexual orientation, gender identity, age as it relates to employment, disability, or familial status

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1 as it relates to housing, regardless of whether the presumption or assumption as to such  
 2 characteristic is correct;

3 (7) “Dwelling”, any building, structure or portion thereof which is occupied as, or designed  
 4 or intended for occupancy as, a residence by one or more families, and any vacant land which is  
 5 offered for sale or lease for the construction or location thereon of any such building, structure or  
 6 portion thereof;

7 (8) “Employer”, a person engaged in an industry affecting commerce who has six or more  
 8 employees for each working day in each of twenty or more calendar weeks in the current or  
 9 preceding calendar year, and shall include the state, or any political or civil subdivision thereof, or  
 10 any person employing six or more persons within the state but does not include corporations and  
 11 associations owned or operated by religious or sectarian organizations. “Employer” shall not  
 12 include:

13 (a) The United States;

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

15 (c) An individual employed by an employer;

16 (d) An Indian tribe;

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

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

21 (9) “Employment agency” includes any person or agency, public or private, regularly  
 22 undertaking with or without compensation to procure employees for an employer or to procure for  
 23 employees opportunities to work for an employer;

24 (10) “Executive director”, the executive director of the Missouri commission on human  
 25 rights;

26 (11) “Familial status”, one or more individuals who have not attained the age of eighteen  
 27 years being domiciled with:

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

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

33 (12) “Gender identity”, the gender-related identity, appearance, mannerisms, or other  
 34 gender-related characteristics of an individual, with or without regard to the individual’s assigned  
 35 sex at birth;

36 (13) “Human rights fund”, a fund established to receive civil penalties as required by federal  
 37 regulations and as set forth by subdivision (2) of subsection 11 of section 213.075, and which will  
 38 be disbursed to offset additional expenses related to compliance with the Department of Housing  
 39 and Urban Development regulations;

40 ~~[(13)]~~ (14) “Labor organization” includes any organization which exists for the purpose, in  
 41 whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms  
 42 or conditions of employment, or for other mutual aid or protection in relation to employment;

43 ~~[(14)]~~ (15) “Local commissions”, any commission or agency established prior to August 13,  
 44 1986, by an ordinance or order adopted by the governing body of any city, constitutional charter  
 45 city, town, village, or county;

46 ~~[(15)]~~ (16) “Person” includes one or more individuals, corporations, partnerships,  
 47 associations, organizations, labor organizations, legal representatives, mutual companies, joint stock  
 48 companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups  
 49 of persons;

1           ~~[(16)]~~ (17) “Places of public accommodation”, all places or businesses offering or holding  
 2 out to the general public, goods, services, privileges, facilities, advantages or accommodations for  
 3 the peace, comfort, health, welfare and safety of the general public or such public places providing  
 4 food, shelter, recreation and amusement, including, but not limited to:

5           (a) Any inn, hotel, motel, or other establishment which provides lodging to transient guests,  
 6 other than an establishment located within a building which contains not more than five rooms for  
 7 rent or hire and which is actually occupied by the proprietor of such establishment as ~~[his]~~ the  
 8 proprietor’s residence;

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

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

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

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

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

22           ~~[(17)]~~ (18) “Rent” includes to lease, to sublease, to let and otherwise to grant for  
 23 consideration the right to occupy premises not owned by the occupant;

24           ~~[(18)]~~ (19) “Respondent”, a person who is alleged to have engaged in a prohibited  
 25 discriminatory practice in a complaint filed with the commission;

26           ~~[(19)]~~ (20) “Sexual orientation”, one’s actual or perceived emotional or physical attraction  
 27 to, or romantic or physical relationships with, members of the same gender, members of a different  
 28 gender, or members of any gender; or the lack of any emotional or physical attraction to, or romantic  
 29 or physical relationships with, anyone. The term “sexual orientation” includes a history of such  
 30 attraction or relationship or a history of no such attraction or relationship;

31           (21) “The motivating factor”, the employee’s protected classification actually played a role  
 32 in the adverse action or decision and had a determinative influence on the adverse decision or  
 33 action;

34           ~~[(20)]~~ (22) “Unlawful discriminatory practice”, any act that is unlawful under this chapter.  
 35 213.030. 1. The powers and duties of the commission shall be:

36           (1) To seek to eliminate and prevent discrimination because of race, color, religion, national  
 37 origin, ancestry, sex, sexual orientation, gender identity, age as it relates to employment, disability,  
 38 or familial status as it relates to housing and to take other actions against discrimination because of  
 39 race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability,  
 40 or familial status as provided by law; and the commission is hereby given general jurisdiction and  
 41 power for such purposes;

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

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

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

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

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

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

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

14 (9) To issue publications and the results of studies and research which will tend to promote  
15 goodwill and minimize or eliminate discrimination in housing, employment or in places of public  
16 accommodation because of race, color, religion, national origin, ancestry, sex, sexual orientation,  
17 gender identity, age as it relates to employment, disability, or familial status as it relates to housing;

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

20 (11) To adopt an official seal;

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

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

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

30 2. No rule or portion of a rule promulgated under the authority of this chapter shall become  
31 effective unless it has been promulgated pursuant to the provisions of ~~[section 536.024]~~ chapter 536.  
32 213.040. 1. It shall be an unlawful housing practice:

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

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

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

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

49 (5) To induce or attempt to induce any person to sell or rent any dwelling by representations

1 regarding the entry or prospective entry into the neighborhood of a person or persons because of a  
2 particular race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity,  
3 disability, or familial status;

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

6 (a) That buyer or renter;

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

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

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

13 (a) That person;

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

16 (c) Any person associated with that person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           (2) The commission shall encourage, but may not require, the units of local government to  
9 include in their existing procedures for the review and approval of newly constructed covered  
10 multifamily dwellings, determinations as to whether the design and construction of such dwellings  
11 are consistent with subdivision (3) of subsection 2 of this section, and shall provide technical  
12 assistance to units of local government and other persons to implement the requirements of  
13 subdivision (3) of subsection 2 of this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 213.045. It shall be unlawful for any bank, building and loan association, insurance  
32 company or other corporation, association, firm or enterprise whose business consists in whole or in  
33 part in the making of commercial real estate loans, to deny a loan or other financial assistance  
34 because of race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity,  
35 disability or familial status to a person applying therefor for the purpose of purchasing, construction,  
36 improving, repairing, or maintaining a dwelling, or to discriminate against ~~him~~ such person in  
37 fixing of the amount, interest rate, duration or other terms or conditions of such loan or other  
38 financial assistance, because of the race, color, religion, national origin, ancestry, sex, sexual  
39 orientation, gender identity, disability, or familial status of such person or of any person associated  
40 with ~~him~~ such person in connection with such loan or other financial assistance, or of the present  
41 or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan  
42 or other financial assistance is to be made or given.

43 213.050. It shall be unlawful to deny any person access to or membership or participation in  
44 any multiple listing service, real estate brokers' organization or other service organization, or  
45 facility relating to the business of selling or renting dwellings, because of race, color, religion,  
46 national origin, ancestry, sex, sexual orientation, gender identity, disability, or familial status.

47 213.055. 1. It shall be an unlawful employment practice:

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

1 (a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate  
2 against any individual with respect to [his] such individual's compensation, terms, conditions, or  
3 privileges of employment, because of such individual's race, color, religion, national origin, sex,  
4 sexual orientation, gender identity, ancestry, age or disability;

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

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

24 (3) For any employer or employment agency to print or circulate or cause to be printed or  
25 circulated any statement, advertisement or publication, or to use any form of application for  
26 employment or to make any inquiry in connection with prospective employment, which expresses,  
27 directly or indirectly, any limitation, specification, or discrimination, because of race, color, religion,  
28 national origin, sex, sexual orientation, gender identity, ancestry, age or disability unless based upon  
29 a bona fide occupational qualification or for an employment agency to fail or refuse to refer for  
30 employment, or otherwise to discriminate against, any individual because of his or her race, color,  
31 religion, national origin, sex, sexual orientation, gender identity, ancestry, age as it relates to  
32 employment, or disability, or to classify or refer for employment any individual because of his or her  
33 race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, age or  
34 disability.

35 2. Notwithstanding any other provision of this chapter, it shall not be an unlawful  
36 employment practice for an employer to apply different standards of compensation, or different  
37 terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a  
38 system which measures earnings by quantity or quality of production or to employees who work in  
39 different locations, provided that such differences or such systems are not the result of an intention  
40 or a design to discriminate, and are not used to discriminate, because of race, color, religion, sex,  
41 sexual orientation, gender identity, national origin, ancestry, age or disability, nor shall it be an  
42 unlawful employment practice for an employer to give and to act upon the results of any  
43 professionally developed ability test, provided that such test, its administration, or action upon the  
44 results thereof, is not designed, intended or used to discriminate because of race, color, religion,  
45 national origin, sex, sexual orientation, gender identity, ancestry, age or disability.

46 3. Nothing contained in this chapter shall be interpreted to require any employer,  
47 employment agency, labor organization, or joint labor-management committee subject to this  
48 chapter to grant preferential treatment to any individual or to any group because of the race, color,  
49 religion, national origin, sex, sexual orientation, gender identity, ancestry, age or disability of such



1 individual or group on account of an imbalance which may exist with respect to the total number or  
2 percentage of persons of any race, color, religion, national origin, sex, sexual orientation, gender  
3 identity, ancestry, age or disability employed by any employer, referred or classified for employment  
4 by any employment agency or labor organization, admitted to membership or classified by any labor  
5 organization, or admitted to or employed in any apprenticeship or other training program, in  
6 comparison with the total number or percentage of persons of such race, color, religion, national  
7 origin, sex, sexual orientation, gender identity, ancestry, age or disability in any community, state,  
8 section, or other area, or in the available workforce in any community, state, section, or other area.

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

13 213.065. 1. All persons within the jurisdiction of the state of Missouri are free and equal  
14 and shall be entitled to the full and equal use and enjoyment within this state of any place of public  
15 accommodation, as hereinafter defined, without discrimination or segregation because of race, color,  
16 religion, national origin, sex, sexual orientation, gender identity, ancestry, or disability.

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

23 3. The provisions of this section shall not apply to a private club, a place of accommodation  
24 owned by or operated on behalf of a religious corporation, association or society, or other  
25 establishment which is not in fact open to the public, unless the facilities of such establishments are  
26 made available to the customers or patrons of a place of public accommodation as defined in section  
27 213.010 and this section.

28 213.070. 1. It shall be an unlawful discriminatory practice for an employer, employment  
29 agency, labor organization, or place of public accommodation:

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

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

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

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

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

43 213.101. 1. The provisions of this chapter shall be construed to accomplish the purposes  
44 thereof and any law inconsistent with any provision of this chapter shall not apply. Nothing  
45 contained in this chapter shall be deemed to repeal any of the provisions of any law of this state  
46 relating to discrimination because of race, color, religion, national origin, sex, sexual orientation,  
47 gender identity, ancestry, age, disability, or familial status.

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

1 appropriateness of the issuance of a business judgment instruction. In all civil actions brought under  
2 this chapter, a jury shall be given an instruction expressing the business judgment rule.

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

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

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

17 6. The general assembly hereby abrogates all Missouri-approved jury instructions  
18 specifically addressing civil actions brought under this chapter which were in effect prior to August  
19 28, ~~[2017]~~ 2019."; and

20  
21 Further amend said bill by amending the title, enacting clause, and intersectional references  
22 accordingly.  
23