

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 154, Page 1, Section A, Line 4,

2 by inserting immediately after said line the following:

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

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

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

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

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

23 (5) "Disability", a physical or mental impairment which

1 substantially limits one or more of a person's major life  
2 activities, being regarded as having such an impairment, or a  
3 record of having such an impairment, which with or without  
4 reasonable accommodation does not interfere with performing the  
5 job, utilizing the place of public accommodation, or occupying  
6 the dwelling in question. For purposes of this chapter, the term  
7 "disability" does not include current, illegal use of or  
8 addiction to a controlled substance as such term is defined by  
9 section 195.010; however, a person may be considered to have a  
10 disability if that person:

11 (a) Has successfully completed a supervised drug  
12 rehabilitation program and is no longer engaging in the illegal  
13 use of, and is not currently addicted to, a controlled substance  
14 or has otherwise been rehabilitated successfully and is no longer  
15 engaging in such use and is not currently addicted;

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

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

21 (6) "Discrimination", conduct proscribed herein, taken  
22 because of race, color, religion, national origin, ancestry, sex,  
23 sexual orientation, gender identity, or age as it relates to  
24 employment, disability, or familial status as it relates to  
25 housing. Discrimination includes any unfair treatment based on a  
26 person's presumed or assumed race, color, religion, national  
27 origin, ancestry, sex, sexual orientation, gender identity, age  
28 as it relates to employment, disability, or familial status as it  
29 relates to housing, whether or not the presumption or assumption

1 as to such characteristics is correct;

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

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

15 (a) The United States;

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

18 (c) An individual employed by an employer;

19 (d) An Indian tribe;

20 (e) Any department or agency of the District of Columbia  
21 subject by statute to procedures of the competitive service, as  
22 defined in 5 U.S.C. Section 2101; or

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

26 (9) "Employment agency" includes any person or agency,  
27 public or private, regularly undertaking with or without  
28 compensation to procure employees for an employer or to procure  
29 for employees opportunities to work for an employer;

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

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

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

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

13           (12) "Gender identity", the gender-related identity,  
14 appearance, or mannerisms, or other gender-related  
15 characteristics of an individual, with or without regard to the  
16 individual's designed sex at birth;

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

23           [(13)] (14) "Labor organization" includes any organization  
24 which exists for the purpose, in whole or in part, of collective  
25 bargaining or of dealing with employers concerning grievances,  
26 terms or conditions of employment, or for other mutual aid or  
27 protection in relation to employment;

28           [(14)] (15) "Local commissions", any commission or agency  
29 established prior to August 13, 1986, by an ordinance or order

1 adopted by the governing body of any city, constitutional charter  
2 city, town, village, or county;

3 [(15)] (16) "Person" includes one or more individuals,  
4 corporations, partnerships, associations, organizations, labor  
5 organizations, legal representatives, mutual companies, joint  
6 stock companies, trusts, trustees, trustees in bankruptcy,  
7 receivers, fiduciaries, or other organized groups of persons;

8 [(16)] (17) "Places of public accommodation", all places or  
9 businesses offering or holding out to the general public, goods,  
10 services, privileges, facilities, advantages or accommodations  
11 for the peace, comfort, health, welfare and safety of the general  
12 public or such public places providing food, shelter, recreation  
13 and amusement, including, but not limited to:

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

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

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

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

29 (e) Any public facility owned, operated, or managed by or

1 on behalf of this state or any agency or subdivision thereof, or  
2 any public corporation; and any such facility supported in whole  
3 or in part by public funds;

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

9 [(17)] (18) "Rent" includes to lease, to sublease, to let  
10 and otherwise to grant for consideration the right to occupy  
11 premises not owned by the occupant;

12 [(18)] (19) "Respondent", a person who is alleged to have  
13 engaged in a prohibited discriminatory practice in a complaint  
14 filed with the commission;

15 [(19)] (20) "Sexual orientation", one's actual or perceived  
16 emotional or physical attraction to, or romantic or physical  
17 relationships with, members of the same gender, members of a  
18 different gender, or members of any gender, or the lack of any  
19 emotional or physical attraction to, or romantic or physical  
20 relationships with, anyone. The term "sexual orientation"  
21 includes a history of such attraction or relationship or a  
22 history of no such attraction or relationship;

23 (21) "The motivating factor", the employee's protected  
24 classification actually played a role in the adverse action or  
25 decision and had a determinative influence on the adverse  
26 decision or action;

27 [(20)] (22) "Unlawful discriminatory practice", any act  
28 that is unlawful under this chapter.

29 213.030. 1. The powers and duties of the commission shall

1 be:

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

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

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

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

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

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

29 (7) To receive, investigate, initiate, and pass upon

1 complaints alleging discrimination in employment, housing or in  
2 places of public accommodations because of race, color, religion,  
3 national origin, ancestry, sex, sexual orientation, gender  
4 identity, age as it relates to employment, disability, or  
5 familial status as it relates to housing and to require the  
6 production for examination of any books, papers, records, or  
7 other materials relating to any matter under investigation;

8 (8) To hold hearings, subpoena witnesses, compel their  
9 attendance, administer oaths, to take the testimony of any person  
10 under oath, and, in connection therewith, to require the  
11 production for examination of any books, papers or other  
12 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  
15 research which will tend to promote goodwill and minimize or  
16 eliminate discrimination in housing, employment or in places of  
17 public accommodation because of race, color, religion, national  
18 origin, ancestry, sex, sexual orientation, gender identity, age  
19 as it relates to employment, disability, or familial status as it  
20 relates to housing;

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

24 (11) To adopt an official seal;

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



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

6           (14) To establish a human rights fund as defined in section  
7 213.010, for the purposes of administering sections 213.040,  
8 213.045, 213.050, 213.070, 213.075, and 213.076.

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

13           213.040. 1. It shall be an unlawful housing practice:

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

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

26           (3) To make, print, or publish, or cause to be made,  
27 printed, or published any notice, statement or advertisement,  
28 with respect to the sale or rental of a dwelling that indicates  
29 any preference, limitation, or discrimination because of race,

1 color, religion, national origin, ancestry, sex, sexual  
2 orientation, gender identity, disability, or familial status, or  
3 an intention to make any such preference, limitation, or  
4 discrimination;

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

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

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

19 (a) That buyer or renter;

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

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

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

27 (a) That person;

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

1 (c) Any person associated with that person.

2 2. For purposes of this section and sections 213.045 and  
3 213.050, discrimination includes:

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

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

17 (3) In connection with the design and construction of  
18 covered multifamily dwellings for first occupancy after March 13,  
19 1991, a failure to design and construct those dwellings in such a  
20 manner that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 sections 213.045 and 213.050 regarding familial status apply with  
2 respect to housing for older persons.

3 9. As used in this section and sections 213.045 and  
4 213.050, "housing for older persons" means housing:

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

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

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

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

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

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

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

29 (1) Persons residing in such housing as of August 28, 1992,

1 who do not meet the age requirements of subdivision (2) or (3) of  
2 subsection 9 of this section, provided that new occupants of such  
3 housing meet the age requirements of subdivision (2) or (3) of  
4 subsection 9 of this section; or

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

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

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

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

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

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

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

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

20           213.045. It shall be unlawful for any bank, building and  
21 loan association, insurance company or other corporation,  
22 association, firm or enterprise whose business consists in whole  
23 or in part in the making of commercial real estate loans, to deny  
24 a loan or other financial assistance because of race, color,  
25 religion, national origin, ancestry, sex, sexual orientation,  
26 gender identity, disability or familial status to a person  
27 applying therefor for the purpose of purchasing, construction,  
28 improving, repairing, or maintaining a dwelling, or to  
29 discriminate against [him] such person in fixing of the amount,



1 interest rate, duration or other terms or conditions of such loan  
2 or other financial assistance, because of the race, color,  
3 religion, national origin, ancestry, sex, sexual orientation,  
4 gender identity, disability, or familial status of such person or  
5 of any person associated with [him] such person in connection  
6 with such loan or other financial assistance, or of the present  
7 or prospective owners, lessees, tenants, or occupants, of the  
8 dwellings in relation to which such loan or other financial  
9 assistance is to be made or given.

10 213.050. It shall be unlawful to deny any person access to  
11 or membership or participation in any multiple listing service,  
12 real estate brokers' organization or other service organization,  
13 or facility relating to the business of selling or renting  
14 dwellings, because of race, color, religion, national origin,  
15 ancestry, sex, sexual orientation, gender identity, disability,  
16 or familial status.

17 213.055. 1. It shall be an unlawful employment practice:

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

21 (a) To fail or refuse to hire or to discharge any  
22 individual, or otherwise to discriminate against any individual  
23 with respect to his or her compensation, terms, conditions, or  
24 privileges of employment, because of such individual's race,  
25 color, religion, national origin, sex, sexual orientation, gender  
26 identity, ancestry, age or disability;

27 (b) To limit, segregate, or classify [his] such person's  
28 employees or [his] such person's employment applicants in any way  
29 which would deprive or tend to deprive any individual of

1 employment opportunities or otherwise adversely affect [his] such  
2 person's status as an employee, because of such individual's  
3 race, color, religion, national origin, sex, sexual orientation,  
4 gender identity, ancestry, age or disability;

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

27 (3) For any employer or employment agency to print or  
28 circulate or cause to be printed or circulated any statement,  
29 advertisement or publication, or to use any form of application

1 for employment or to make any inquiry in connection with  
2 prospective employment, which expresses, directly or indirectly,  
3 any limitation, specification, or discrimination, because of  
4 race, color, religion, national origin, sex, sexual orientation,  
5 gender identity, ancestry, age or disability unless based upon a  
6 bona fide occupational qualification or for an employment agency  
7 to fail or refuse to refer for employment, or otherwise to  
8 discriminate against, any individual because of his or her race,  
9 color, religion, national origin, sex, sexual orientation, gender  
10 identity, ancestry, age as it relates to employment, or  
11 disability, or to classify or refer for employment any individual  
12 because of his or her race, color, religion, national origin,  
13 sex, sexual orientation, gender identity, ancestry, age or  
14 disability.

15 2. Notwithstanding any other provision of this chapter, it  
16 shall not be an unlawful employment practice for an employer to  
17 apply different standards of compensation, or different terms,  
18 conditions or privileges of employment pursuant to a bona fide  
19 seniority or merit system, or a system which measures earnings by  
20 quantity or quality of production or to employees who work in  
21 different locations, provided that such differences or such  
22 systems are not the result of an intention or a design to  
23 discriminate, and are not used to discriminate, because of race,  
24 color, religion, sex, sexual orientation, gender identity,  
25 national origin, ancestry, age or disability, nor shall it be an  
26 unlawful employment practice for an employer to give and to act  
27 upon the results of any professionally developed ability test,  
28 provided that such test, its administration, or action upon the  
29 results thereof, is not designed, intended or used to

1 discriminate because of race, color, religion, national origin,  
2 sex, sexual orientation, gender identity, ancestry, age or  
3 disability.

4 3. Nothing contained in this chapter shall be interpreted  
5 to require any employer, employment agency, labor organization,  
6 or joint labor-management committee subject to this chapter to  
7 grant preferential treatment to any individual or to any group  
8 because of the race, color, religion, national origin, sex,  
9 sexual orientation, gender identity, ancestry, age or disability  
10 of such individual or group on account of an imbalance which may  
11 exist with respect to the total number or percentage of persons  
12 of any race, color, religion, national origin, sex, sexual  
13 orientation, gender identity, ancestry, age or disability  
14 employed by any employer, referred or classified for employment  
15 by any employment agency or labor organization, admitted to  
16 membership or classified by any labor organization, or admitted  
17 to or employed in any apprenticeship or other training program,  
18 in comparison with the total number or percentage of persons of  
19 such race, color, religion, national origin, sex, sexual  
20 orientation, gender identity, ancestry, age or disability in any  
21 community, state, section, or other area, or in the available  
22 workforce in any community, state, section, or other area.

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

28 213.065. 1. All persons within the jurisdiction of the  
29 state of Missouri are free and equal and shall be entitled to the

1 full and equal use and enjoyment within this state of any place  
2 of public accommodation, as hereinafter defined, without  
3 discrimination or segregation because of race, color, religion,  
4 national origin, sex, sexual orientation, gender identity,  
5 ancestry, or disability.

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

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

23 213.070. 1. It shall be an unlawful discriminatory  
24 practice for an employer, employment agency, labor organization,  
25 or place of public accommodation:

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

28 (2) To retaliate or discriminate in any manner against any  
29 other person because such person has opposed any practice

1 prohibited by this chapter or because such person has filed a  
2 complaint, testified, assisted, or participated in any manner in  
3 any investigation, proceeding or hearing conducted pursuant to  
4 this chapter;

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

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

13 2. This chapter, in addition to chapter 285 and chapter  
14 287, shall provide the exclusive remedy for any and all claims  
15 for injury or damages arising out of an employment relationship.

16 213.101. 1. The provisions of this chapter shall be  
17 construed to accomplish the purposes thereof and any law  
18 inconsistent with any provision of this chapter shall not apply.  
19 Nothing contained in this chapter shall be deemed to repeal any  
20 of the provisions of any law of this state relating to  
21 discrimination because of race, color, religion, national origin,  
22 sex, sexual orientation, gender identity, ancestry, age,  
23 disability, or familial status.

24 2. The general assembly hereby expressly abrogates the case  
25 of *McBryde v. Ritenour School District*, 207 S.W.3d 162 (Mo.App.  
26 E.D. 2006), and its progeny as it relates to the necessity and  
27 appropriateness of the issuance of a business judgment  
28 instruction. In all civil actions brought under this chapter, a  
29 jury shall be given an instruction expressing the business

1 judgment rule.

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

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

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

23 6. The general assembly hereby abrogates all  
24 Missouri-approved jury instructions specifically addressing civil  
25 actions brought under this chapter which were in effect prior to  
26 August 28, 2017."; and

27 Further amend the title and enacting clause accordingly.