

**SENATE AMENDMENT NO. \_\_\_\_\_**

**TO**

**SENATE AMENDMENT NO. \_\_\_\_\_**

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

Amend SA# \_\_\_\_\_ /SS/SCS/Senate Bill No. 631, Page 2, Section \_\_\_\_\_, Line 53,

2 by striking the first instance of the word "or" and  
3 inserting in lieu thereof the following: "sexual  
4 orientation, gender identity,"; and further amend said line,  
5 by inserting after the word "age" the following: ","; and

6 Further amend said amendment, page 3, line 83, by  
7 striking "2101" and inserting in lieu thereof the  
8 following: "2102"; and

9 Further amend said amendment, page 4, line 105, by  
10 inserting after "(12)" the following: "Gender identity,  
11 the gender-related identity, appearance, mannerisms, or  
12 other gender-related characteristics of an individual, with  
13 or without regard to the individual's assigned sex at birth;  
14 (13)"; and

15 Further amend said amendment, page 6, line 174, by  
16 inserting after "(20)" the following: "Sexual  
17 orientation", one's actual or perceived emotional or  
18 physical attraction to, or romantic or physical  
19 relationships with, members of the same gender, members of a  
20 different gender, or members of any gender; or the lack of  
21 any emotional or physical attraction to, or romantic or  
22 physical relationships with, anyone. The term "sexual

23 orientation" includes a history of such attraction or  
24 relationship or a history of no such attraction or  
25 relationship;

26 (21)"; and further renumber the subdivisions  
27 accordingly; and further amend line 175, by inserting after  
28 all of said line the following:

29 "213.030. 1. The powers and duties of the commission  
30 shall be:

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

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

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

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

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

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

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

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

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

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

86           (11) To adopt an official seal;

87           (12) To cooperate, act jointly, enter into cooperative  
88 or work-sharing agreements with the United States Equal

89 Employment Opportunity Commission, the United States  
90 Department of Housing and Urban Development, and other  
91 federal agencies and local commissions or agencies to  
92 achieve the purposes of this chapter;

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

98 (14) To establish a human rights fund as defined in  
99 section 213.010, for the purposes of administering sections  
100 213.040, 213.045, 213.050, 213.070, 213.075, and 213.076.

101 2. No rule or portion of a rule promulgated under the  
102 authority of this chapter shall become effective unless it  
103 has been promulgated pursuant to the provisions of [section  
104 536.024] chapter 536.

105 213.040. 1. It shall be an unlawful housing practice:

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

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

118 (3) To make, print, or publish, or cause to be made,  
119 printed, or published any notice, statement or  
120 advertisement, with respect to the sale or rental of a  
121 dwelling that indicates any preference, limitation, or

122 discrimination because of race, color, religion, national  
123 origin, ancestry, sex, sexual orientation, gender identity,  
124 disability, or familial status, or an intention to make any  
125 such preference, limitation, or discrimination;

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

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

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

140 (a) That buyer or renter;

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

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

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

149 (a) That person;

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

153 (c) Any person associated with that person.

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

156           (1) A refusal to permit, at the expense of the person  
157 with the disability, reasonable modifications of existing  
158 premises occupied or to be occupied by such person if such  
159 modifications may be necessary to afford such person full  
160 enjoyment of the premises, except that, in the case of a  
161 rental, the landlord may, where it is reasonable to do so,  
162 condition permission for a modification on the renter's  
163 agreeing to restore the interior of the premises to the  
164 condition that existed before the modification, reasonable  
165 wear and tear excepted;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

213 (2) The commission shall encourage, but may not  
214 require, the units of local government to include in their  
215 existing procedures for the review and approval of newly  
216 constructed covered multifamily dwellings, determinations as  
217 to whether the design and construction of such dwellings are  
218 consistent with subdivision (3) of subsection 2 of this

219 section, and shall provide technical assistance to units of  
220 local government and other persons to implement the  
221 requirements of subdivision (3) of subsection 2 of this  
222 section;

223 (3) Nothing in this chapter shall be construed to  
224 require the commission to review or approve the plans,  
225 designs or construction of all covered dwellings, to  
226 determine whether the design and construction of such  
227 dwellings are consistent with the requirements of  
228 subdivision (3) of subsection 2 of this section.

229 6. Nothing in this chapter shall be construed to  
230 invalidate or limit any law of the state or political  
231 subdivision of the state, or other jurisdiction in which  
232 this chapter shall be effective, that requires dwellings to  
233 be designed and constructed in a manner that affords persons  
234 with disabilities greater access than is required by this  
235 chapter.

236 7. Nothing in this section and sections 213.045 and  
237 213.050 requires that a dwelling be made available to an  
238 individual whose tenancy would constitute a direct threat to  
239 the health or safety of other individuals or whose tenancy  
240 would result in substantial physical damage to the property  
241 of others.

242 8. Nothing in this section and sections 213.045 and  
243 213.050 limits the applicability of any reasonable local or  
244 state restriction regarding the maximum number of occupants  
245 permitted to occupy a dwelling, nor does any provision in  
246 this section and sections 213.045 and 213.050 regarding  
247 familial status apply with respect to housing for older  
248 persons.

249 9. As used in this section and sections 213.045 and  
250 213.050, "housing for older persons" means housing:

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

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

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

262 (a) The existence of significant facilities and  
263 services specifically designed to meet the physical or  
264 social needs of older persons, or if the provision of such  
265 facilities and services is not practicable, that such  
266 housing is necessary to provide important housing  
267 opportunities for older persons; and

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

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

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

277 (1) Persons residing in such housing as of August 28,  
278 1992, who do not meet the age requirements of subdivision  
279 (2) or (3) of subsection 9 of this section, provided that  
280 new occupants of such housing meet the age requirements of  
281 subdivision (2) or (3) of subsection 9 of this section; or

282 (2) Unoccupied units, provided that such units are  
283 reserved for occupancy by persons who meet the age

284 requirements of subdivision (2) or (3) of subsection 9 of  
285 this section.

286         11. Nothing in this section or section 213.045 or  
287 213.050 shall prohibit conduct against a person because such  
288 person has been convicted by any court of competent  
289 jurisdiction of the illegal manufacture or distribution of a  
290 controlled substance, as defined by section 195.010.

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

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

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

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

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

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

331 213.045. It shall be unlawful for any bank, building  
332 and loan association, insurance company or other  
333 corporation, association, firm or enterprise whose business  
334 consists in whole or in part in the making of commercial  
335 real estate loans, to deny a loan or other financial  
336 assistance because of race, color, religion, national  
337 origin, ancestry, sex, sexual orientation, gender identity,  
338 disability, or familial status to a person applying therefor  
339 for the purpose of purchasing, construction, improving,  
340 repairing, or maintaining a dwelling, or to discriminate  
341 against [him] such person in fixing of the amount, interest  
342 rate, duration or other terms or conditions of such loan or  
343 other financial assistance, because of the race, color,  
344 religion, national origin, ancestry, sex, sexual  
345 orientation, gender identity, disability, or familial status  
346 of such person or of any person associated with [him] such  
347 person in connection with such loan or other financial  
348 assistance, or of the present or prospective owners,  
349 lessees, tenants, or occupants, of the dwellings in relation

350 to which such loan or other financial assistance is to be  
351 made or given.

352 213.050. It shall be unlawful to deny any person  
353 access to or membership or participation in any multiple  
354 listing service, real estate brokers' organization or other  
355 service organization, or facility relating to the business  
356 of selling or renting dwellings, because of race, color,  
357 religion, national origin, ancestry, sex, sexual  
358 orientation, gender identity, disability, or familial status.

359 213.055. 1. It shall be an unlawful employment  
360 practice:

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

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

371 (b) To limit, segregate, or classify [his] employees  
372 or [his] employment applicants in any way which would  
373 deprive or tend to deprive any individual of employment  
374 opportunities or otherwise adversely affect [his] such  
375 individual's status as an employee, because of such  
376 individual's race, color, religion, national origin, sex,  
377 sexual orientation, gender identity, ancestry, age, or  
378 disability;

379 (2) For a labor organization to exclude or to expel  
380 from its membership any individual or to discriminate in any  
381 way against any of its members or against any employer or  
382 any individual employed by an employer because of race,

383 color, religion, national origin, sex, sexual orientation,  
384 gender identity, ancestry, age, or disability of any  
385 individual; or to limit, segregate, or classify its  
386 membership, or to classify or fail or refuse to refer for  
387 employment any individual, in any way which would deprive or  
388 tend to deprive any individual of employment opportunities,  
389 or would limit such employment opportunities or otherwise  
390 adversely affect [his] such individual's status as an  
391 employee or as an applicant for employment, because of such  
392 individual's race, color, religion, national origin, sex,  
393 sexual orientation, gender identity, ancestry, age, or  
394 disability; or for any employer, labor organization, or  
395 joint labor-management committee controlling apprenticeship  
396 or other training or retraining, including on-the-job  
397 training programs to discriminate against any individual  
398 because of [his] such individual's race, color, religion,  
399 national origin, sex, sexual orientation, gender identity,  
400 ancestry, age, or disability in admission to, or employment  
401 in, any program established to provide apprenticeship or  
402 other training;

403 (3) For any employer or employment agency to print or  
404 circulate or cause to be printed or circulated any  
405 statement, advertisement or publication, or to use any form  
406 of application for employment or to make any inquiry in  
407 connection with prospective employment, which expresses,  
408 directly or indirectly, any limitation, specification, or  
409 discrimination, because of race, color, religion, national  
410 origin, sex, sexual orientation, gender identity, ancestry,  
411 age, or disability unless based upon a bona fide  
412 occupational qualification or for an employment agency to  
413 fail or refuse to refer for employment, or otherwise to  
414 discriminate against, any individual because of his or her  
415 race, color, religion, national origin, sex, sexual

416 orientation, gender identity, ancestry, age, as it relates  
417 to employment, or disability, or to classify or refer for  
418 employment any individual because of [his or her] such  
419 individual's race, color, religion, national origin, sex,  
420 sexual orientation, gender identity, ancestry, age, or  
421 disability.

422         2. Notwithstanding any other provision of this  
423 chapter, it shall not be an unlawful employment practice for  
424 an employer to apply different standards of compensation, or  
425 different terms, conditions or privileges of employment  
426 pursuant to a bona fide seniority or merit system, or a  
427 system which measures earnings by quantity or quality of  
428 production or to employees who work in different locations,  
429 provided that such differences or such systems are not the  
430 result of an intention or a design to discriminate, and are  
431 not used to discriminate, because of race, color, religion,  
432 sex, sexual orientation, gender identity, national origin,  
433 ancestry, age, or disability, nor shall it be an unlawful  
434 employment practice for an employer to give and to act upon  
435 the results of any professionally developed ability test,  
436 provided that such test, its administration, or action upon  
437 the results thereof, is not designed, intended or used to  
438 discriminate because of race, color, religion, national  
439 origin, sex, sexual orientation, gender identity, ancestry,  
440 age, or disability.

441         3. Nothing contained in this chapter shall be  
442 interpreted to require any employer, employment agency,  
443 labor organization, or joint labor-management committee  
444 subject to this chapter to grant preferential treatment to  
445 any individual or to any group because of the race, color,  
446 religion, national origin, sex, sexual orientation, gender  
447 identity, ancestry, age, or disability of such individual or  
448 group on account of an imbalance which may exist with

449 respect to the total number or percentage of persons of any  
450 race, color, religion, national origin, sex, sexual  
451 orientation, gender identity, ancestry, age, or disability  
452 employed by any employer, referred or classified for  
453 employment by any employment agency or labor organization,  
454 admitted to membership or classified by any labor  
455 organization, or admitted to or employed in any  
456 apprenticeship or other training program, in comparison with  
457 the total number or percentage of persons of such race,  
458 color, religion, national origin, sex, sexual orientation,  
459 gender identity, ancestry, age, or disability in any  
460 community, state, section, or other area, or in the  
461 available workforce in any community, state, section, or  
462 other area.

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

468 213.065. 1. All persons within the jurisdiction of  
469 the state of Missouri are free and equal and shall be  
470 entitled to the full and equal use and enjoyment within this  
471 state of any place of public accommodation, as hereinafter  
472 defined, without discrimination or segregation because of  
473 race, color, religion, national origin, sex, sexual  
474 orientation, gender identity, ancestry, or disability.

475 2. It is an unlawful discriminatory practice for any  
476 person, directly or indirectly, to refuse, withhold from or  
477 deny any other person, or to attempt to refuse, withhold  
478 from or deny any other person, any of the accommodations,  
479 advantages, facilities, services, or privileges made  
480 available in any place of public accommodation, as defined  
481 in section 213.010 and this section, or to segregate or

482 discriminate against any such person in the use thereof  
483 because of race, color, religion, national origin, sex,  
484 sexual orientation, gender identity, ancestry, or disability.

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

493 213.070. 1. It shall be an unlawful discriminatory  
494 practice for an employer, employment agency, labor  
495 organization, or place of public accommodation:

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

499 (2) To retaliate or discriminate in any manner against  
500 any other person because such person has opposed any  
501 practice prohibited by this chapter or because such person  
502 has filed a complaint, testified, assisted, or participated  
503 in any manner in any investigation, proceeding or hearing  
504 conducted pursuant to this chapter;

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

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

513 2. This chapter, in addition to chapter 285 and  
514 chapter 287, shall provide the exclusive remedy for any and

515 all claims for injury or damages arising out of an  
516 employment relationship.

517         213.101. 1. The provisions of this chapter shall be  
518 construed to accomplish the purposes thereof and any law  
519 inconsistent with any provision of this chapter shall not  
520 apply. Nothing contained in this chapter shall be deemed to  
521 repeal any of the provisions of any law of this state  
522 relating to discrimination because of race, color, religion,  
523 national origin, sex, sexual orientation, gender identity,  
524 ancestry, age, disability, or familial status.

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

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

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

545         5. The general assembly hereby expressly abrogates by  
546 this statute the holding in *Hurst v. Kansas City Mo. School*  
547 *District*, 437 S.W.3d 327 (Mo.App. W.D. 2014), that Missouri

548 Approved Instruction 19.01 may be applied to actions brought  
549 pursuant to this chapter, and the holding in *Thomas v.*  
550 *McKeever's Enterprises, Inc.*, 388 S.W.3d 206 (Mo.App. W.D.  
551 2012), that juries shall not be instructed that plaintiffs  
552 bear the burden of establishing "but for" causation in  
553 actions brought pursuant to this chapter.

554         6. The general assembly hereby abrogates all Missouri-  
555 approved jury instructions specifically addressing civil  
556 actions brought under this chapter which were in effect  
557 prior to August 28, 2017."