

SENATE AMENDMENT NO. _____

TO

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SA SS/SCS/HCS/House Bill No. 1472, Page 3, Section _____, Line 82,

2 by inserting after all of said line the following:

3 "Further amend said bill, page 6, section 191.525, line
4 11, by inserting after all of said line the following:

5 "213.010. As used in this chapter, the following terms
6 shall mean:

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

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

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

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

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

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

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

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

50 (6) "Discrimination", conduct proscribed herein, taken
51 because of race, color, religion, national origin, ancestry,
52 sex, [or] sexual orientation, gender identity, firearm
53 ownership, age, as it relates to employment, disability, or
54 familial status as it relates to housing. Discrimination

55 includes any unfair treatment based on a person's presumed
56 or assumed race, color, religion, national origin, ancestry,
57 sex, sexual orientation, gender identity, firearm ownership,
58 age, as it relates to employment, disability, or familial
59 status as it relates to housing, regardless of whether the
60 presumption or assumption as to such characteristic is
61 correct;

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

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

76 "Employer" shall not include:

77 (a) The United States;

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

80 (c) An individual employed by an employer;

81 (d) An Indian tribe;

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

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

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

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

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

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

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

106 (12) "Gender identity", the gender-related identity,
107 appearance, mannerisms, or other gender-related
108 characteristics of an individual, with or without regard to
109 the individual's assigned sex at birth;

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

116 [(13)] (14) "Labor organization" includes any
117 organization which exists for the purpose, in whole or in
118 part, of collective bargaining or of dealing with employers
119 concerning grievances, terms or conditions of employment, or
120 for other mutual aid or protection in relation to employment;

121 [(14)] (15) "Local commissions", any commission or
122 agency established prior to August 13, 1986, by an ordinance
123 or order adopted by the governing body of any city,
124 constitutional charter city, town, village, or county;

125 [(15)] (16) "Person" includes one or more individuals,
126 corporations, partnerships, associations, organizations,
127 labor organizations, legal representatives, mutual
128 companies, joint stock companies, trusts, trustees, trustees
129 in bankruptcy, receivers, fiduciaries, or other organized
130 groups of persons;

131 [(16)] (17) "Places of public accommodation", all
132 places or businesses offering or holding out to the general
133 public, goods, services, privileges, facilities, advantages
134 or accommodations for the peace, comfort, health, welfare
135 and safety of the general public or such public places
136 providing food, shelter, recreation and amusement,
137 including, but not limited to:

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

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

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

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

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

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

165 [(17)] (18) "Rent" includes to lease, to sublease, to
166 let and otherwise to grant for consideration the right to
167 occupy premises not owned by the occupant;

168 [(18)] (19) "Respondent", a person who is alleged to
169 have engaged in a prohibited discriminatory practice in a
170 complaint filed with the commission;

171 (20) "Sexual orientation", one's actual or perceived
172 emotional or physical attraction to, or romantic or physical
173 relationships with, members of the same gender, members of a
174 different gender, or members of any gender; or the lack of
175 any emotional or physical attraction to, or romantic or
176 physical relationships with, anyone. The term "sexual
177 orientation" includes a history of such attraction or
178 relationship or a history of no such attraction or
179 relationship;

180 [(19)] (21) "The motivating factor", the employee's
181 protected classification actually played a role in the
182 adverse action or decision and had a determinative influence
183 on the adverse decision or action;

184 [(20)] (22) "Unlawful discriminatory practice", any
185 act that is unlawful under this chapter.

186 213.030. 1. The powers and duties of the commission
187 shall be:

188 (1) To seek to eliminate and prevent discrimination
189 because of race, color, religion, national origin, ancestry,
190 sex, sexual orientation, gender identity, firearm ownership,
191 age, as it relates to employment, disability, or familial
192 status as it relates to housing and to take other actions
193 against discrimination because of race, color, religion,
194 national origin, ancestry, sex, sexual orientation, gender
195 identity, firearm ownership, age, disability, or familial
196 status as provided by law; and the commission is hereby
197 given general jurisdiction and power for such purposes;

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

201 (3) To formulate policies to implement the purposes of
202 this chapter and to make recommendations to agencies and
203 officers of the state and political subdivisions in aid of
204 such policies and purposes;

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

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

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

217 (7) To receive, investigate, initiate, and pass upon
218 complaints alleging discrimination in employment, housing or
219 in places of public accommodations because of race, color,
220 religion, national origin, ancestry, sex, sexual
221 orientation, gender identity, firearm ownership, age, as it
222 relates to employment, disability, or familial status as it
223 relates to housing and to require the production for
224 examination of any books, papers, records, or other
225 materials relating to any matter under investigation;

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

232 (9) To issue publications and the results of studies
233 and research which will tend to promote goodwill and
234 minimize or eliminate discrimination in housing, employment
235 or in places of public accommodation because of race, color,
236 religion, national origin, ancestry, sex, sexual
237 orientation, gender identity, firearm ownership, age, as it
238 relates to employment, disability, or familial status as it
239 relates to housing;

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

243 (11) To adopt an official seal;

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

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

255 (14) To establish a human rights fund as defined in
256 section 213.010, for the purposes of administering sections
257 213.040, 213.045, 213.050, 213.070, 213.075, and 213.076.

258 2. No rule or portion of a rule promulgated under the
259 authority of this chapter shall become effective unless it
260 has been promulgated pursuant to the provisions of [section
261 536.024] chapter 536.

262 213.040. 1. It shall be an unlawful housing practice:

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

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

275 (3) To make, print, or publish, or cause to be made,
276 printed, or published any notice, statement or
277 advertisement, with respect to the sale or rental of a
278 dwelling that indicates any preference, limitation, or
279 discrimination because of race, color, religion, national
280 origin, ancestry, sex, sexual orientation, gender identity,
281 firearm ownership, disability, or familial status, or an

282 intention to make any such preference, limitation, or
283 discrimination;

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

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

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

299 (a) That buyer or renter;

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

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

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

308 (a) That person;

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

312 (c) Any person associated with that person.

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

315 (1) A refusal to permit, at the expense of the person
316 with the disability, reasonable modifications of existing
317 premises occupied or to be occupied by such person if such
318 modifications may be necessary to afford such person full
319 enjoyment of the premises, except that, in the case of a
320 rental, the landlord may, where it is reasonable to do so,
321 condition permission for a modification on the renter's
322 agreeing to restore the interior of the premises to the
323 condition that existed before the modification, reasonable
324 wear and tear excepted;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

372 (2) The commission shall encourage, but may not
373 require, the units of local government to include in their
374 existing procedures for the review and approval of newly
375 constructed covered multifamily dwellings, determinations as
376 to whether the design and construction of such dwellings are
377 consistent with subdivision (3) of subsection 2 of this
378 section, and shall provide technical assistance to units of
379 local government and other persons to implement the

380 requirements of subdivision (3) of subsection 2 of this
381 section;

382 (3) Nothing in this chapter shall be construed to
383 require the commission to review or approve the plans,
384 designs or construction of all covered dwellings, to
385 determine whether the design and construction of such
386 dwellings are consistent with the requirements of
387 subdivision (3) of subsection 2 of this section.

388 6. Nothing in this chapter shall be construed to
389 invalidate or limit any law of the state or political
390 subdivision of the state, or other jurisdiction in which
391 this chapter shall be effective, that requires dwellings to
392 be designed and constructed in a manner that affords persons
393 with disabilities greater access than is required by this
394 chapter.

395 7. Nothing in this section and sections 213.045 and
396 213.050 requires that a dwelling be made available to an
397 individual whose tenancy would constitute a direct threat to
398 the health or safety of other individuals or whose tenancy
399 would result in substantial physical damage to the property
400 of others.

401 8. Nothing in this section and sections 213.045 and
402 213.050 limits the applicability of any reasonable local or
403 state restriction regarding the maximum number of occupants
404 permitted to occupy a dwelling, nor does any provision in
405 this section and sections 213.045 and 213.050 regarding
406 familial status apply with respect to housing for older
407 persons.

408 9. As used in this section and sections 213.045 and
409 213.050, "housing for older persons" means housing:

410 (1) Provided under any state or federal program that
411 the commission determines is specifically designed and

412 operated to assist elderly persons, as defined in the state
413 or federal program;

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

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

421 (a) The existence of significant facilities and
422 services specifically designed to meet the physical or
423 social needs of older persons, or if the provision of such
424 facilities and services is not practicable, that such
425 housing is necessary to provide important housing
426 opportunities for older persons; and

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

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

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

436 (1) Persons residing in such housing as of August 28,
437 1992, who do not meet the age requirements of subdivision

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

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

445 11. Nothing in this section or section 213.045 or
446 213.050 shall prohibit conduct against a person because such
447 person has been convicted by any court of competent
448 jurisdiction of the illegal manufacture or distribution of a
449 controlled substance, as defined by section 195.010.

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

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

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

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

476 (b) The house is sold or rented without the use of a
477 real estate broker, agent or salesperson or the facilities

478 of any person in the business of selling or renting
479 dwellings and without publication, posting or mailing of any
480 advertisement. If the owner selling the house does not
481 reside in it at the time of the sale or was not the most
482 recent resident of the house prior to such sale, the
483 exemption in this section applies to only one such sale in
484 any twenty-four-month period; or

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

490 213.045. It shall be unlawful for any bank, building
491 and loan association, insurance company or other
492 corporation, association, firm or enterprise whose business
493 consists in whole or in part in the making of commercial
494 real estate loans, to deny a loan or other financial
495 assistance because of race, color, religion, national
496 origin, ancestry, sex, sexual orientation, gender identity,
497 firearm ownership, disability, or familial status to a
498 person applying therefor for the purpose of purchasing,
499 construction, improving, repairing, or maintaining a
500 dwelling, or to discriminate against [him] such person in
501 fixing of the amount, interest rate, duration or other terms
502 or conditions of such loan or other financial assistance,
503 because of the race, color, religion, national origin,
504 ancestry, sex, sexual orientation, gender identity, firearm
505 ownership, disability, or familial status of such person or
506 of any person associated with [him] such person in
507 connection with such loan or other financial assistance, or
508 of the present or prospective owners, lessees, tenants, or
509 occupants, of the dwellings in relation to which such loan
510 or other financial assistance is to be made or given.

511 213.050. It shall be unlawful to deny any person
512 access to or membership or participation in any multiple
513 listing service, real estate brokers' organization or other
514 service organization, or facility relating to the business
515 of selling or renting dwellings, because of race, color,
516 religion, national origin, ancestry, sex, sexual
517 orientation, gender identity, firearm ownership, disability,
518 or familial status.

519 213.055. 1. It shall be an unlawful employment
520 practice:

521 (1) For an employer, because of the race, color,
522 religion, national origin, sex, sexual orientation, gender
523 identity, firearm ownership, ancestry, age, or disability of
524 any individual:

525 (a) To fail or refuse to hire or to discharge any
526 individual, or otherwise to discriminate against any
527 individual with respect to [his] such individual's
528 compensation, terms, conditions, or privileges of
529 employment, because of such individual's race, color,
530 religion, national origin, sex, sexual orientation, gender
531 identity, firearm ownership, ancestry, age, or disability;

532 (b) To limit, segregate, or classify [his] employees
533 or [his] employment applicants in any way which would
534 deprive or tend to deprive any individual of employment
535 opportunities or otherwise adversely affect [his] such
536 individual's status as an employee, because of such
537 individual's race, color, religion, national origin, sex,
538 sexual orientation, gender identity, firearm ownership,
539 ancestry, age, or disability;

540 (2) For a labor organization to exclude or to expel
541 from its membership any individual or to discriminate in any
542 way against any of its members or against any employer or
543 any individual employed by an employer because of race,

544 color, religion, national origin, sex, sexual orientation,
545 gender identity, firearm ownership, ancestry, age, or
546 disability of any individual; or to limit, segregate, or
547 classify its membership, or to classify or fail or refuse to
548 refer for employment any individual, in any way which would
549 deprive or tend to deprive any individual of employment
550 opportunities, or would limit such employment opportunities
551 or otherwise adversely affect [his] such individual's status
552 as an employee or as an applicant for employment, because of
553 such individual's race, color, religion, national origin,
554 sex, sexual orientation, gender identity, firearm ownership,
555 ancestry, age, or disability; or for any employer, labor
556 organization, or joint labor-management committee
557 controlling apprenticeship or other training or retraining,
558 including on-the-job training programs to discriminate
559 against any individual because of [his] such individual's
560 race, color, religion, national origin, sex, sexual
561 orientation, gender identity, firearm ownership, ancestry,
562 age, or disability in admission to, or employment in, any
563 program established to provide apprenticeship or other
564 training;

565 (3) For any employer or employment agency to print or
566 circulate or cause to be printed or circulated any
567 statement, advertisement or publication, or to use any form
568 of application for employment or to make any inquiry in
569 connection with prospective employment, which expresses,
570 directly or indirectly, any limitation, specification, or
571 discrimination, because of race, color, religion, national
572 origin, sex, sexual orientation, gender identity, firearm
573 ownership, ancestry, age, or disability unless based upon a
574 bona fide occupational qualification or for an employment
575 agency to fail or refuse to refer for employment, or
576 otherwise to discriminate against, any individual because of

577 his or her race, color, religion, national origin, sex,
578 sexual orientation, gender identity, firearm ownership,
579 ancestry, age, as it relates to employment, or disability,
580 or to classify or refer for employment any individual
581 because of [his or her] such individual's race, color,
582 religion, national origin, sex, sexual orientation, gender
583 identity, firearm ownership, ancestry, age, or disability.

584 2. Notwithstanding any other provision of this
585 chapter, it shall not be an unlawful employment practice for
586 an employer to apply different standards of compensation, or
587 different terms, conditions or privileges of employment
588 pursuant to a bona fide seniority or merit system, or a
589 system which measures earnings by quantity or quality of
590 production or to employees who work in different locations,
591 provided that such differences or such systems are not the
592 result of an intention or a design to discriminate, and are
593 not used to discriminate, because of race, color, religion,
594 sex, sexual orientation, gender identity, firearm ownership,
595 national origin, ancestry, age, or disability, nor shall it
596 be an unlawful employment practice for an employer to give
597 and to act upon the results of any professionally developed
598 ability test, provided that such test, its administration,
599 or action upon the results thereof, is not designed,
600 intended or used to discriminate because of race, color,
601 religion, national origin, sex, sexual orientation, gender
602 identity, firearm ownership, ancestry, age, or disability.

603 3. Nothing contained in this chapter shall be
604 interpreted to require any employer, employment agency,
605 labor organization, or joint labor-management committee
606 subject to this chapter to grant preferential treatment to
607 any individual or to any group because of the race, color,
608 religion, national origin, sex, sexual orientation, gender
609 identity, firearm ownership, ancestry, age, or disability of

610 such individual or group on account of an imbalance which
611 may exist with respect to the total number or percentage of
612 persons of any race, color, religion, national origin, sex,
613 sexual orientation, gender identity, firearm ownership,
614 ancestry, age, or disability employed by any employer,
615 referred or classified for employment by any employment
616 agency or labor organization, admitted to membership or
617 classified by any labor organization, or admitted to or
618 employed in any apprenticeship or other training program, in
619 comparison with the total number or percentage of persons of
620 such race, color, religion, national origin, sex, sexual
621 orientation, gender identity, firearm ownership, ancestry,
622 age, or disability in any community, state, section, or
623 other area, or in the available workforce in any community,
624 state, section, or other area.

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

630 213.065. 1. All persons within the jurisdiction of
631 the state of Missouri are free and equal and shall be
632 entitled to the full and equal use and enjoyment within this
633 state of any place of public accommodation, as hereinafter
634 defined, without discrimination or segregation because of
635 race, color, religion, national origin, sex, sexual
636 orientation, gender identity, firearm ownership, ancestry,
637 or disability.

638 2. It is an unlawful discriminatory practice for any
639 person, directly or indirectly, to refuse, withhold from or
640 deny any other person, or to attempt to refuse, withhold
641 from or deny any other person, any of the accommodations,
642 advantages, facilities, services, or privileges made

643 available in any place of public accommodation, as defined
644 in section 213.010 and this section, or to segregate or
645 discriminate against any such person in the use thereof
646 because of race, color, religion, national origin, sex,
647 sexual orientation, gender identity, firearm ownership,
648 ancestry, or disability.

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

657 213.070. 1. It shall be an unlawful discriminatory
658 practice for an employer, employment agency, labor
659 organization, or place of public accommodation:

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

663 (2) To retaliate or discriminate in any manner against
664 any other person because such person has opposed any
665 practice prohibited by this chapter or because such person
666 has filed a complaint, testified, assisted, or participated
667 in any manner in any investigation, proceeding or hearing
668 conducted pursuant to this chapter;

669 (3) For the state or any political subdivision of this
670 state to discriminate on the basis of race, color, religion,
671 national origin, sex, sexual orientation, gender identity,
672 firearm ownership, ancestry, age, as it relates to
673 employment, disability, or familial status as it relates to
674 housing; or

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

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

682 213.101. 1. The provisions of this chapter shall be
683 construed to accomplish the purposes thereof and any law
684 inconsistent with any provision of this chapter shall not
685 apply. Nothing contained in this chapter shall be deemed to
686 repeal any of the provisions of any law of this state
687 relating to discrimination because of race, color, religion,
688 national origin, sex, sexual orientation, gender identity,
689 firearm ownership, ancestry, age, disability, or familial
690 status.

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

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

705 4. The general assembly hereby expressly abrogates by
706 this statute the cases of *Daugherty v. City of Maryland*
707 *Heights*, 231 S.W.3d 814 (Mo. 2007) and its progeny as they

708 relate to the contributing factor standard and abandonment
709 of the burden-shifting framework established in *McDonnell*
710 *Douglas Corp. v. Green*, 411 U.S. 792 (1973).

711 5. The general assembly hereby expressly abrogates by
712 this statute the holding in *Hurst v. Kansas City Mo. School*
713 *District*, 437 S.W.3d 327 (Mo.App. W.D. 2014), that Missouri
714 Approved Instruction 19.01 may be applied to actions brought
715 pursuant to this chapter, and the holding in *Thomas v.*
716 *McKeever's Enterprises, Inc.*, 388 S.W.3d 206 (Mo.App. W.D.
717 2012), that juries shall not be instructed that plaintiffs
718 bear the burden of establishing "but for" causation in
719 actions brought pursuant to this chapter.

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