
DIGEST

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Badon

HB No. 199

Abstract: Provides relative to discrimination by including sexual orientation and gender identity or expression in various provisions prohibiting or describing discrimination. Also adds age, sex, or disability as prohibited discrimination criteria in a number of such provisions.

Proposed law provides with respect to discrimination in various provisions of law. In general, adds sexual orientation and gender identity or expression in provisions prohibiting or describing discrimination. Also adds age, sex, or disability in a number of such provisions. The following table summarizes these changes:

Citation R.S.	Provisions about discrimination related to	Adds sexual orientation & gender identity or expression as discrimination criteria	Other criteria added
4:193(B)	Exclusion or ejection from a track, race meeting, race, or licensed establishment	Yes	
9:3583	Extending credit	Yes	age, disability
14:107.2(A)	Definition of hate crimes. Prohibited bases for selection of victims of specified crimes	gender identity or expression (sexual orientation already in law)	
14:326(C)	Applications of requirements for permits for parades, or demonstrations	Yes	age
15:1204.2(B)(4)	Requires La. Uniform Crime Reporting System include crimes directed at persons or groups based on certain actual or perceived characteristics	gender identity or expression (sexual orientation already in law)	

Citation R.S.	Provisions about discrimination related to	Adds sexual orientation & gender identity or expression as discrimination criteria	Other criteria added
15:1402(A)	Rights to be secure from fear, intimidation, and physical harm caused by violent groups and individuals.	Yes	
17:111	School admission and school assignment	Yes	sex (in A) disability (in B)
17:158(F)	Free school transportation for public and nonpublic schools – Not applicable to students who attend a school that discriminates	Yes	sex
17:1676(D)	Eligibility for a particular scholarship program for approved institutions of higher education in the state	Yes	
17:2053(D)(3)	Payments to independent institutions of higher learning for educating Louisiana residents	Yes	sex, disability
17:3402(A)	Open admission requirements for certification of a Montessori school	Yes	sex
17:3991(B)(3)	Admission requirements of charter schools	Yes	
22:1452(C)(25)	Unfair discrimination relative to insurance rates	Yes	age, sex
22:1454(A)	Prohibited criteria for establishing risk classifications for insurance rates	Yes	sex, disability
22:1964(7)(f)	Unfair or deceptive trade practices in the insurance business, discrimination in refusing to insure, refusing to continue to insure, or limiting the amount of coverage available	Yes	age, disability

Citation R.S.	Provisions about discrimination related to	Adds sexual orientation & gender identity or expression as discrimination criteria	Other criteria added
23:332	Louisiana Employment Discrimination Law – Provides for unlawful discrimination in employment	Yes	age
23:2043(B)(1)	Factors for governor to consider in appointments to La. Workforce Investment Council	Yes	age, disability
27:27.2(B)	Persons excluded from gaming premises	Yes	
27:27.4	Exclusion or ejection of persons from gaming premises	Yes	
37:1025(B)	Selection of medication attendants	Yes	age, sex
37:1107(C)	Licensing of licensed professional counselors	Yes	age, disability
37:1360.23(I)	Licensing of physicians assistants and admission to training, employment, and utilization programs	Yes	
37:1437(D)	Requirement for applicants for a real estate license to sign a statement that he will not try to induce sale or rental of any dwelling by representations about entry into an area of persons of a particular race, color, religion, or national origin.	Yes	age, sex, disability
37:1455(A)(28)	Penalties for real estate license or certificate holders do not show, sell, or rent real estate by reason of discrimination	Yes	age, disability

Citation R.S.	Provisions about discrimination related to	Adds sexual orientation & gender identity or expression as discrimination criteria	Other criteria added
37:2654(C)(1)	Appointment of members of the board of the La. Board of Examiners for Speech-Language Pathology and Audiology	Yes	disability
37:2719	Granting a social worker's license, certificate, or registration	Yes	age, disability
37:3425(C)	Granting a clinical exercise physiologist's license	Yes	age, disability
37:3447(C)	Granting a rehabilitation counselor's license	Yes	age, disability
38:2315	Selection of architects, engineers, and landscape architects for public contracts	Yes	disability
39:1411	Program or activity receiving state financial assistance	Yes	age, sex, disability
40:1232(C)	Licensure of EMS practitioners	Yes	disability
40:2113.4(A)	Hospital service district hospitals providing emergency services	Yes	disability
40:2113.6(A)(1) and (B)	Licensed hospitals providing emergency services	Yes	disability
40:2120.35(B)(5)	Brain injury facilities	Yes	age
40:2125(B)	Financial assistance for exceptional children will not be provided for facilities that discriminate	Yes	sex
40:2403(H)(1)	Council on Peace Officer Standards and Training to provide for curricula and training materials to train peace officers to identify, respond to, and report crimes directed against individuals or groups by reason of actual or perceived characteristics	gender identity or expression (sexual orientation already in the law)	

Citation R.S.	Provisions about discrimination related to	Adds sexual orientation & gender identity or expression as discrimination criteria	Other criteria added
40:2504	Access to facilities of the Interagency Recreation Board	Yes	age, disability
46:437.11(A)	Payments from medical assistance programs funds for goods, services, or supplies from providers who do not discriminate	Yes	disability
46:1104	Medical scholarship programs of hospital service districts or parish governing authorities, prohibits discrimination in selection of recipients	Yes	disability
46:1134	Nursing scholarship programs of hospital service districts or parish governing authorities, prohibits discrimination in selection of recipients	Yes	disability
46:1154	Allied health professions scholarship programs of hospital service districts or parish governing authorities, prohibits discrimination in selection of recipients	Yes	disability
46:1407(B)(1)(e) & (F)	Licensure of early childhood learning centers and specialized providers and licensure regulations	Yes	
46:1995	Displaced homemaker programs	Yes	disability
46:2205	Transportation assistance for the elderly and handicapped	Yes	
47:37(C)	Income tax credit for donations, contributions, or sales below cost of tangible movable property for educational institutions, excludes donors who discriminate	Yes	age, sex, disability

Citation R.S.	Provisions about discrimination related to	Adds sexual orientation & gender identity or expression as discrimination criteria	Other criteria added
47:287.755(C)	Same as above but applicable to corporation, person, estate, or trust contributing, donating, or selling below cost tangible movable property to educational institutions. Applies to corporate tax	Yes	age, sex, disability
48:274.1(C)	Requires that businesses that have their logo on Interstate highway signs comply with laws relative to discrimination in public accommodations	Yes	age, disability
49:145	Access to public meetings in facilities owned or used by the state or political subdivisions	Yes	age, sex
49:146(A)(1)	Access to public areas, public accommodations, and public facilities	Yes	
51:2231(A)	Legislative intent that creation of the La. Commission on Human Rights is to safeguard from discrimination	Yes	
51:2232(3)	Defines "Discriminatory practice in connection with public accommodations"	Yes	
51:2235(16)(a)	La. Commission on Human Rights authority to create advisory committees on discrimination	Yes	
51:2236(A)	Authorizes parishes and municipalities to adopt and enforce discrimination prohibitions	Yes	
51:2237(2)	Authorizes parishes and municipalities to create a human rights commission to safeguard from discrimination	Yes	

Citation R.S.	Provisions about discrimination related to	Adds sexual orientation & gender identity or expression as discrimination criteria	Other criteria added
51:2247	Denial of full and equal enjoyment of a place of public accommodation, resort, or amusement	Yes	
51:2248	Certain advertising about discrimination by a public accommodation	Yes	age, sex
51:2254(1) and (2)	Granting, withholding, extending, modifying, or renewing of rates, terms, conditions, privileges, or other provisions of financial assistance or in the extension of services in connection therewith	Yes	(1) age (2) age, sex
51:2255(A) (introductory paragraph)	Practices in credit transactions	Yes	age
51:2602(A)	Legislative finding about competing for available housing without discrimination	Yes	age
51:2606(A)(1) through (5)	Sale or rental of housing	Yes	age
51:2607(A) and (C)	Residential real estate related transactions	Yes	age
51:2608	Access or terms of access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings	Yes	age

Proposed law (R.S. 23:302(9) & (10)) add definitions of "sexual orientation" and "gender identity or expression" for purposes of the Louisiana Employment Discrimination Law and provisions for

unlawful discrimination in employment. Defines "sexual orientation" as an individual's actual or perceived heterosexuality, homosexuality, or bisexuality. Defines "gender identity or expression" as a gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth.

Present law (R.S. 12:1041(A)) authorizes the attorney general to institute civil proceedings to annul, vacate, or forfeit the articles of incorporation and franchise of a domestic corporation, or to revoke the certificate of authority to transact business in this state of a foreign corporation when:

- (1) A corporation officer or person controlling corporate management or operation, with the knowledge of the president and a majority of the board of directors or under circumstances such that they should have knowledge, is engaged in any unlawful activity aimed at organized homosexuality, organized crimes against nature, organized prostitution, organized gambling, organized narcotics, organized extortion or organized embezzlement; or
- (2) A director, officer, employee, agent, or stockholder acting for such corporation has, in conducting the corporation's affairs, purposely engaged in any unlawful activity aimed at homosexuality, crimes against nature, intimidation and coercion, bribery, prostitution, gambling, extortion, embezzlement, unlawful sale of narcotics or other illegal conduct, with the knowledge of the president and majority of the board of directors or under such circumstances that they should have knowledge, with the intent to compel or induce other persons, firms, or corporations to deal with such corporation or engage in such illegal conduct; and
- (3) For the prevention of future illegal conduct of the same character, the public interest requires the corporation charter to be annulled, vacated, or forfeited and the corporation to be dissolved or the certificate of authority to transact business in the state revoked.

Proposed law retains present law except removes references to homosexuality.

Proposed law changes "handicap" to "disability" in a number of provisions.

(Amends R.S. 4:193(B), R.S. 9:3583, R.S. 12:1041(A), R.S. 14:107.2(A) and 326(C), R.S. 15:1204.2(B)(4) and 1402(A), R.S. 17:111, 158(F), 1676(D), 2053(D)(3), 3402(A), and 3991(B)(3), R.S. 22:1452(C)(25), 1454(A), and 1964(7)(f), R.S. 23:332 and 2043(B)(1), R.S. 27:27.2(B) and 27.4, R.S. 37:1025(B), 1107(C), 1360.23(I), 1437(D), 1455(A)(28), 2654(C)(1), 2719, 3425(C), and 3447(C), R.S. 38:2315, R.S. 39:1411, R.S. 40:1232(C), 2113.4(A), 2113.6(A)(1) and (B), 2120.35(B)(5), 2125(B), 2403(H)(1), and 2504, R.S. 46:437.11(A), 1104, 1134, 1154, 1407(B)(1)(e)(intro. para.) and (F), 1995, and 2205, R.S. 47:37(C) and 287.755(C), R.S. 48:274.1(C), R.S. 49:145 and 146(A)(1), and R.S. 51:2231(A), 2232(3), 2235(16)(a), 2236(A), 2237(2), 2247, 2248, 2254(1) and (2), 2255(A) (intro. para.), 2602(A), 2606(A)(1) through (5), 2607(A) and (C), and 2608; Adds R.S. 23:302(9) and (10))