

Regular Session, 2014

HOUSE BILL NO. 199

BY REPRESENTATIVE BADON

DISCRIMINATION: Provides relative to discrimination

1 AN ACT

2 To amend and reenact R.S. 4:193(B), R.S. 9:3583, R.S. 12:1041(A), R.S. 14:107.2(A) and

3 326(C), R.S. 15:1204.2(B)(4) and 1402(A), R.S. 17:111, 158(F), 1676(D),

4 2053(D)(3), 3402(A), and 3991(B)(3), R.S. 22:1452(C)(25), 1454(A), and

5 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),

6 1107(C), 1360.23(I), 1437(D), 1455(A)(28), 2654(C)(1), 2719, 3425(C), and

7 3447(C), R.S. 38:2315, R.S. 39:1411, R.S. 40:1232(C), 2113.4(A), 2113.6(A)(1) and

8 (B), 2120.35(B)(5), 2125(B), 2403(H)(1), and 2504, R.S. 46:437.11(A), 1104, 1134,

9 1154, 1407(B)(1)(e)(introductory paragraph) and (F), 1995, and 2205, R.S. 47:37(C)

10 and 287.755(C), R.S. 48:274.1(C), R.S. 49:145 and 146(A)(1), and R.S. 51:2231(A),

11 2232(3), 2235(16)(a), 2236(A), 2237(2), 2247, 2248, 2254(1) and (2),

12 2255(A)(introductory paragraph), 2602(A), 2606(A)(1) through (5), 2607(A) and

13 (C), and 2608 and to enact R.S. 23:302(9) and (10), relative to discrimination; to

14 expand the application of various provisions relative to discrimination by adding

15 additional criteria, including gender identity or expression and sexual orientation

16 and, in some cases, age, sex, or disability; to define terms for purposes of the

17 Louisiana Employment Discrimination Law and for unlawful discrimination in

18 employment; to provide for the definition of hate crimes; to remove certain activities

19 from provisions for the attorney general to institute civil proceedings against certain

20 corporations; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 4:193(B) is hereby amended and reenacted to read as follows:

3 §193. Categories of persons subject to exclusion and ejection; civil liberties

4 \* \* \*

5 B. No person may be excluded or ejected on account of race, color, creed,  
6 sexual orientation, gender identity or expression, national origin, ancestry, disability,  
7 as defined in R.S. 51:2232(11), or gender.

8 \* \* \*

9 Section 2. R.S. 9:3583 is hereby amended and reenacted to read as follows:

10 §3583. Discrimination prohibited

11 A. It shall be unlawful for any extender of credit to refuse to extend credit  
12 to any major or emancipated minor solely because of that person's race, color,  
13 religion, national origin, sex, age, sexual orientation, gender identity or expression,  
14 disability, or marital status.

15 B. It shall also be unlawful for any extender of credit to require any major  
16 or emancipated minor to meet credit qualification standards not required of other  
17 persons similarly situated.

18 Section 3. R.S. 12:1041(A) is hereby amended and reenacted to read as follows:

19 §1041. Suppression of criminally operated businesses by domestic and foreign  
20 corporations; proceedings

21 A. The attorney general is authorized to institute civil proceedings against  
22 any domestic corporation to procure a judgment annulling, vacating or forfeiting its  
23 articles of incorporation and franchise, and against any foreign corporation to revoke  
24 its certificate of authority to transact business in this state when:

25 1. Any of the corporation officers or any other person controlling the  
26 management or operation of such corporation, with the knowledge of the president  
27 and a majority of the board of directors or under such circumstances that the  
28 president and a majority of the directors should have knowledge, is a person or  
29 persons engaged in activities such as organized violent revolutionary or unlawful

1 activity aimed at the overthrow of the government of the State of Louisiana or any  
2 of its political subdivisions, or any boards, commissions, agency or official of either,  
3 or any unlawful activity aimed at ~~organized homosexuality~~, organized crimes against  
4 nature, organized prostitution, organized gambling, organized narcotics, organized  
5 extortion or organized embezzlement, or who is connected directly or indirectly with  
6 organizations, syndicates, or criminal societies engaged in any of these; or

7 2. A director, officer, employee, agent or stockholder acting for, through or  
8 on behalf of such corporation has, in conducting the corporation's affairs, purposely  
9 engaged in a persistent course of violent revolutionary or unlawful activity aimed at  
10 the overthrow of the government of the State of Louisiana or any of its political  
11 subdivisions, or any boards, commissions, agency, or official or any unlawful  
12 activity aimed at ~~homosexuality~~, crimes against nature, intimidation and coercion,  
13 bribery, prostitution, gambling, extortion, embezzlement, unlawful sale of narcotics  
14 or other illegal conduct, with the knowledge of the president and majority of the  
15 board of directors or under such circumstances that the president and a majority of  
16 the directors should have knowledge, with the intent to compel or induce other  
17 persons, firms, or corporations to deal with such corporation or engage in any such  
18 illegal conduct, and

19 3. For the prevention of future illegal conduct of the same character, the  
20 public interest requires the charter of the corporation to be annulled, vacated, or  
21 forfeited and the corporation to be dissolved or the certificate of authority to transact  
22 business in this state revoked.

23 \* \* \*

24 Section 4. R.S. 14:107.2(A) and 326(C) are hereby amended and reenacted to read  
25 as follows:

26 §107.2. Hate crimes

27 A. It shall be unlawful for any person to select the victim of the following  
28 offenses against person and property because of actual or perceived race, age,  
29 gender, gender identity or expression, religion, color, creed, disability, sexual

1 orientation, national origin, or ancestry of that person or the owner or occupant of  
 2 that property or because of actual or perceived membership or service in, or  
 3 employment with, an organization: first or second degree murder; manslaughter;  
 4 battery; aggravated battery; second degree battery; aggravated assault with a firearm;  
 5 terrorizing; mingling harmful substances; simple, forcible, or aggravated rape; sexual  
 6 battery, second degree sexual battery; oral sexual battery; carnal knowledge of a  
 7 juvenile; indecent behavior with juveniles; molestation of a juvenile or a person with  
 8 a physical or mental disability; simple, second degree, or aggravated kidnapping;  
 9 simple or aggravated arson; placing combustible materials; communicating of false  
 10 information of planned arson; simple or aggravated criminal damage to property;  
 11 contamination of water supplies; simple or aggravated burglary; criminal trespass;  
 12 simple, first degree, or armed robbery; purse snatching; extortion; theft; desecration  
 13 of graves; institutional vandalism; or assault by drive-by shooting.

14 \* \* \*

15 §326. Processions, marches, parades, or demonstrations; permits; liability; bond;  
 16 exemptions; penalty

17 \* \* \*

18 C. The provisions of this Section shall apply to all groups, associations, or  
 19 organizations regardless of race, creed, age, sex, sexual orientation, gender identity  
 20 or expression, disability, as defined in R.S. 51:2232(11), color, or political beliefs  
 21 of its members; however, nothing contained herein shall apply to a bona fide  
 22 legitimate labor organization or professional firefighter or police association or to  
 23 any lawful activity of a labor union permitted by law, nor shall these provisions  
 24 apply to any procession or parade directly held or sponsored by the governing  
 25 authority of any municipality or the governing authority of any parish, nor shall these  
 26 provisions apply to any procession, march, or parade directly held or sponsored by  
 27 a bona fide organization specifically for the celebration of Mardi Gras and/or directly  
 28 related pre-lenten or carnival festivities, school parades or other functions, parish  
 29 parades or other functions, state, parish, or municipal fairs or other such related

1 activities. However, the provisions of this Section shall apply only to parishes with  
2 a population of more than four hundred fifty thousand.

3 \* \* \*

4 Section 5: R.S. 15:1204.2(B)(4) and 1402(A) are hereby amended and reenacted to  
5 read as follows:

6 §1204.2. Creation of system; functions; powers; duties

7 \* \* \*

8 B. The system, by and through the commission, shall have the following  
9 functions, powers, and duties:

10 \* \* \*

11 (4) To prepare and distribute, to all such persons and agencies, forms to be  
12 used in reporting data to the system. The forms shall provide for information  
13 regarding crimes which are directed against individuals or groups, or their property,  
14 by reason of their actual or perceived race, age, gender, gender identity or  
15 expression, religion, color, creed, disability, sexual orientation, national origin, or  
16 ancestry or by reason of their actual or perceived membership or service in, or  
17 employment with, an organization as defined in R.S. 14:107.2. The forms shall also  
18 provide for other items of information needed by federal and state bureaus or  
19 departments engaged in the development of national and state statistics.

20 \* \* \*

21 §1402. Legislative findings and declaration

22 A. The legislature hereby finds and declares that it is the right of every  
23 person, regardless of race, color, creed, religion, national origin, sex, sexual  
24 orientation, gender identity or expression, age, or ~~handicap~~ disability, to be secure  
25 and protected from fear, intimidation, and physical harm caused by the activities of  
26 violent groups and individuals. It is not the intent of this Chapter to interfere with  
27 the constitutional exercise of the protected rights of freedom of expression and  
28 association. The legislature hereby recognizes the right of every citizen to harbor  
29 and constitutionally express beliefs on any lawful subject whatsoever, to associate

1 lawfully with others who share similar beliefs, to petition lawfully constituted  
2 authority for a redress of perceived grievances, and to participate in the electoral  
3 process.

4 \* \* \*

5 Section 6. R.S. 17:111, 158(F), 1676(D), 2053(D)(3), 3402(A), and 3991(B)(3) are  
6 hereby amended and reenacted to read as follows:

7 §111. Discrimination in public schools prohibited; pupil assignment; religious  
8 educational institutions

9 A. No person shall be refused admission into or be excluded from any public  
10 school in the state of Louisiana on account of race, creed, color, sex, sexual  
11 orientation, gender identity or expression, disability, as defined in R.S. 51:2232(11),  
12 or national origin.

13 B. Except with the express approval of a board of education or school board  
14 having jurisdiction, a majority of the members of such board having been elected,  
15 no student shall be assigned or compelled to attend any school on account of race,  
16 creed, color, sexual orientation, gender identity or expression, disability, or national  
17 origin, or for the purpose of achieving equality in attendance or increased attendance  
18 or reduced attendance, at any school, of persons of one or more particular races,  
19 creeds, colors, sexual orientations, gender identities or expressions, disabilities, or  
20 national origins, and no school district, school zone or attendance unit, by whatever  
21 name known, shall be established, reorganized, or maintained for any such purpose,  
22 provided that nothing contained in this ~~section~~ Section shall prevent the assignment  
23 of a pupil in the manner requested or authorized by his parents or guardian, and  
24 provided further that nothing in this Act shall be deemed to affect, in any way, the  
25 right of a religious or denominational educational institution to select its pupils  
26 exclusively or primarily from members of such religion or denomination or from  
27 giving preference to such selection to such members or to make such selection to its  
28 pupils as is calculated to promote the religious principle for which it is established.

29 \* \* \*

1 §158. School buses for transportation of students; employment of bus operators;  
2 alternative means of transportation; improvement of school bus turnarounds

3 \* \* \*

4 F. The provisions of this Section shall apply to eligible public and nonpublic  
5 school students. However, these provisions shall not apply to any student or the  
6 parent or tutor of any student who attends a school which discriminates on the basis  
7 of race, creed, color, sex, sexual orientation, gender identity or expression, or  
8 national origin.

9 \* \* \*

10 §1676. Recipients and awards of scholarships

11 \* \* \*

12 D. Scholarship awards shall be made without regard to the applicant's race,  
13 disability, as defined in R.S. 51:2232(11), creed, color, sex, sexual orientation,  
14 gender identity or expression, national origin, or ancestry; and in making scholarship  
15 awards, the department shall provide a fair and equitable geographical distribution  
16 of the awards and shall treat all approved institutions of higher education in a fair  
17 and equitable manner.

18 \* \* \*

19 §2053. Payments to independent institutions of higher learning for educating  
20 Louisiana residents

21 \* \* \*

22 D. As used in this Section, the term "eligible institutions" shall mean  
23 Centenary College, Dillard University, Our Lady of Holy Cross College, Louisiana  
24 College, Loyola University, Our Lady of the Lake College, St. Joseph Seminary  
25 College, Tulane University, and Xavier University, all in Louisiana. In order to  
26 qualify for payments made by the Board of Regents under this Section, eligible  
27 institutions shall:

28 \* \* \*

1 (3) Admit students without regard to race, religion, color, sex, sexual  
2 orientation, gender identity or expression, disability, or national origin.

3 \* \* \*

4 §3402. Minimum requirements for school certification; admission policies;  
5 environment; program

6 The minimum requirements for certification as a Montessori school shall be  
7 as follows:

8 A. Admission policies

9 All admissions in a Montessori school shall be open to all persons of all  
10 races, creeds, sex, sexual orientation, gender identity or expression, or color, and to  
11 all persons with disabilities as defined in R.S. 51:2232(11).

12 \* \* \*

13 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

14 \* \* \*

15 B. Each proposed charter shall contain or make provision for the following:

16 \* \* \*

17 (3) Admission requirements, if any, that are consistent with the school's role,  
18 scope, and mission may be established pursuant to rules promulgated by the state  
19 board. Such admission requirements shall be specific and shall include a system for  
20 admission decisions which precludes exclusion of pupils based on race, religion,  
21 gender, ethnicity, sexual orientation, gender identity or expression, national origin,  
22 intelligence level as ascertained by an intelligence quotient examination, or  
23 identification as a student with an exceptionality as defined in R.S. 17:1942(B).  
24 Such admission requirements may include, however, specific requirements related  
25 to a school's mission such as auditions for schools with a performing arts mission or  
26 proficiency in a foreign language for schools with a language immersion mission.  
27 Any school which was chartered prior to July 1, 2012, and which incorporated  
28 achievement of a certain academic record as part of its admission requirements may



1 continue to utilize such admission requirements. No local board shall assign any  
2 pupil to attend a charter school.

3 \* \* \*

4 Section 7. R.S. 22:1452(C)(25), 1454(A), and 1964(7)(f) are hereby amended and  
5 reenacted to read as follows:

6 §1452. Purpose of rate regulation; construction; definitions

7 \* \* \*

8 C. As used in this Subpart, the following definitions shall be applicable:

9 \* \* \*

10 (25) "Unfairly discriminatory" means not capable of being actuarially  
11 justified or based on race, color, creed, age, sex, sexual orientation, gender identity  
12 or expression, disability, or national origin. It does not refer to rates that produce  
13 differences in premiums for policyholders with different loss exposures, so long as  
14 the rate is actuarially justified and reflects such differences with reasonable accuracy.

15 \* \* \*

16 §1454. Rating standards and methods

17 A. Rates shall not be inadequate or unfairly discriminatory in a competitive  
18 market. Rates shall not be excessive, inadequate, or unfairly discriminatory in a  
19 noncompetitive market. Risks may be classified using any criteria except that no  
20 risk shall be classified on the basis of race, color, creed, sex, sexual orientation,  
21 gender identity or expression, disability, or national origin.

22 \* \* \*

23 §1964. Methods, acts, and practices which are defined as unfair or deceptive

24 The following are declared to be unfair methods of competition and unfair  
25 or deceptive acts or practices in the business of insurance:

26 \* \* \*

27 (7) Unfair discrimination.

28 \* \* \*

1 (f) Refusing to insure, refusing to continue to insure, or limiting the amount  
 2 of coverage available to an individual solely because of the sex, marital status, race,  
 3 religion, age, sexual orientation, gender identity or expression, disability, or national  
 4 origin of the individual. However, nothing in this Subsection shall prohibit an  
 5 insurer from taking marital status into account for the purpose of defining persons  
 6 eligible for dependent benefits. Nothing in this Section shall prohibit or limit the  
 7 operation of fraternal benefit societies.

8 \* \* \*

9 Section 8. R.S. 23:332 and 2043(B)(1) are hereby amended and reenacted and R.S.  
 10 23:302(9) and (10) are hereby enacted to read as follows:

11 §302. Definitions

12 For purposes of this Chapter and unless the context clearly indicates  
 13 otherwise, the following terms shall have the following meanings ascribed to them:

14 \* \* \*

15 (9) "Sexual orientation" means an individual's actual or perceived  
 16 heterosexuality, homosexuality, or bisexuality.

17 (10) "Gender identity or expression" means a gender-related identity,  
 18 appearance, expression, or behavior of a person, regardless of the person's assigned  
 19 sex at birth.

20 \* \* \*

21 §332. Intentional discrimination in employment

22 A. It shall be unlawful discrimination in employment for an employer to  
 23 engage in any of the following practices:

24 (1) Intentionally fail or refuse to hire or to discharge any individual, or  
 25 otherwise to intentionally discriminate against any individual with respect to his  
 26 compensation, or his terms, conditions, or privileges of employment, because of the  
 27 individual's race, color, religion, sex, age, sexual orientation, gender identity or  
 28 expression, or national origin.

1           (2) Intentionally limit, segregate, or classify his employees or applicants for  
2 employment in any way which would deprive or tend to deprive any individual of  
3 employment opportunities, or otherwise adversely affect his status as an employee,  
4 because of the individual's race, color, religion, sex, age, sexual orientation, gender  
5 identity or expression, or national origin.

6           B. It shall be unlawful discrimination in employment for an employment  
7 agency to intentionally fail or refuse to refer for employment, or otherwise to  
8 intentionally discriminate against, any individual because of his race, color, religion,  
9 sex, or national origin, or to intentionally classify or refer for employment any  
10 individual on the basis of his race, color, religion, sex, age, sexual orientation, gender  
11 identity or expression, or national origin.

12           C. It shall be unlawful discrimination in employment for a labor organization  
13 to engage in any of the following practices:

14           (1) Intentionally exclude or intentionally expel from its membership, or  
15 otherwise intentionally discriminate against, any individual because of his race,  
16 color, religion, sex, age, sexual orientation, gender identity or expression, or national  
17 origin.

18           (2) Intentionally limit, segregate, or classify its membership or applicants for  
19 membership, or intentionally classify or fail or refuse to refer for employment any  
20 individual in any way which would deprive or tend to deprive any individual of  
21 employment opportunities, or would limit such employment opportunities, or  
22 otherwise adversely affect his status as an employee or as an applicant for  
23 employment, because of such individual's race, color, religion, sex, age, sexual  
24 orientation, gender identity or expression, or national origin.

25           (3) Intentionally cause or attempt to cause an employer to discriminate  
26 against an individual in violation of this Section.

27           D. It shall be unlawful discrimination in employment for any employer, labor  
28 organization, or joint labor-management committee controlling apprenticeship or  
29 other training or retraining, including on-the-job training programs, to discriminate

1 against any individual because of his race, color, religion, sex, age, sexual  
2 orientation, gender identity or expression, or national origin in admission to, or  
3 employment in, any program established to provide apprenticeship or other training.

4 E. It shall be unlawful discrimination in employment for an employer,  
5 employment agency, labor organization, or joint labor-management committee  
6 controlling apprenticeship or other training or retraining, including on-the-job  
7 training programs, to print or publish, or cause to be printed or published, any notice  
8 or advertisement relating to employment by an employer or membership in or any  
9 classification or referral for employment by a labor organization, or relating to any  
10 classification or referral for employment by an employment agency, or relating to  
11 admission to, or employment in, any program established to provide apprenticeship  
12 or other training by a joint labor-management committee, indicating any preference,  
13 limitation, specification, or discrimination based on race, color, religion, sex, age,  
14 sexual orientation, gender identity or expression, or national origin. However, a  
15 notice or advertisement may indicate a preference, limitation, specification, or  
16 discrimination based on religion, sex, or national origin when religion, sex, age,  
17 sexual orientation, gender identity or expression, or national origin is a bona fide  
18 occupational qualification for employment.

19 F. It shall be unlawful discrimination in employment for an insurer to engage  
20 in any of the following practices:

21 (1) Intentionally fail or refuse to appoint or to discharge any insurance agent,  
22 or otherwise to intentionally discriminate against any insurance agent with respect  
23 to his compensation, terms, conditions, or privileges of employment, because of the  
24 insurance agent's race, color, religion, sex, age, sexual orientation, gender identity  
25 or expression, or national origin.

26 (2) Intentionally limit, segregate, or classify his insurance agents or  
27 applicants for an insurance agent in any way which would deprive or tend to deprive  
28 any insurance agent or applicant of employment opportunities, or otherwise  
29 adversely affect his status as an insurance agent or applicant because of the insurance

1 agent's or applicant's race, color, religion, sex, age, sexual orientation, gender  
2 identity or expression, or national origin.

3 G. Nothing contained in this Section shall be construed so as to create a  
4 cause of action against an employer, employment agency, labor organization, or  
5 insurer for employment practices pursuant to any affirmative action plan.

6 H. Notwithstanding any other provision of this Section, it shall not be  
7 unlawful discrimination in employment for:

8 (1) An employer to hire and employ employees, for an employment agency  
9 to classify or refer for employment any individual, for a labor organization to  
10 classify its membership or to classify or refer for employment any individual, or for  
11 an employer, labor organization, or joint labor-management committee controlling  
12 apprenticeship or other training or retraining programs to admit or employ any  
13 individual in any such program on the basis of his religion, sex, age, sexual  
14 orientation, gender identity or expression, or national origin in those certain instances  
15 where religion, sex, age, sexual orientation, gender identity or expression, or national  
16 origin is a bona fide occupational qualification reasonably necessary for the normal  
17 operation of that particular business or enterprise.

18 (2) A school, college, university, or other educational institution or  
19 institution of learning to hire and employ employees of a particular religion if such  
20 school, college, university, or other educational institution or institution of learning  
21 is, in whole or in substantial part, owned, supported, controlled, or managed by a  
22 particular religion or by a particular religious corporation, association, or society, or  
23 if the curriculum of the school, college, university, or other educational institution  
24 or institution of learning is directed toward the propagation of a particular religion.

25 (3) An employer to apply different standards of compensation or different  
26 terms, conditions, or privileges of employment pursuant to a bona fide seniority or  
27 merit system, or a system which measures earnings by quantity or quality of  
28 production, or to employees who work in different locations, provided that such  
29 differences are not the result of an intention to discriminate because of race, color,

1 religion, sex, age, sexual orientation, gender identity or expression, or national  
2 origin.

3 (4) An employer to give and to act upon the results of any professionally  
4 developed ability test, provided that such test, its administration, or action upon the  
5 results is not designed, intended, or used to discriminate because of race, color,  
6 religion, sex, age, sexual orientation, gender identity or expression, or national  
7 origin.

8 \* \* \*

9 §2043. Members

10 \* \* \*

11 B.(1) In making the appointments, the governor shall, as nearly as  
12 practicable, appoint members in a manner that is representative of the population of  
13 the regions of the state and shall consider factors including but not limited to race,  
14 color, religion, gender, age, sexual orientation, gender identity or expression,  
15 disability, and national origin.

16 \* \* \*

17 Section 9. R.S. 27:27.2(B) and 27.4 are hereby amended and reenacted to read as  
18 follows:

19 §27.2. Board designated excluded persons

20 \* \* \*

21 B. The board and the division shall have the authority to place persons on the  
22 excluded list. The board or division may not place a person on the list required by  
23 this Section due to the person's race, color, creed, national origin, sex, sexual  
24 orientation, gender identity or expression, or disability, as defined in R.S.  
25 51:2232(11).

26 \* \* \*

27 §27.4. Exclusion or ejection of persons

28 A. Any licensee, permittee, or the casino gaming operator may exclude or  
29 eject any person for any reason, except race, color, creed, national origin, sex, sexual

1 orientation, gender identity or expression, or disability as defined in R.S.  
2 51:2232(11).

3 B. Any licensee or casino gaming operator licensed pursuant to the  
4 provisions of this Title, and any employee of a licensee or casino gaming operator  
5 shall not be liable for any monetary damages or any other remedy in any judicial  
6 proceeding as a result of the exclusion or removal of any person for any reason,  
7 except race, color, creed, national origin, sex, sexual orientation, gender identity or  
8 expression, or disability as defined in R.S. 51:2232(11).

9 Section 10. R.S. 37:1025(B), 1107(C), 1360.23(I), 1437(D), 1455(A)(28),  
10 2654(C)(1), 2719, 3425(C), and 3447(C) are hereby amended and reenacted as follows:

11 §1025. Qualifications of applicants to the drug administration course

12 \* \* \*

13 B. There will be no discrimination in selection of medication attendants for  
14 reason of race, color, creed, religion, age, sex, sexual orientation, gender identity or  
15 expression, disability as defined in R.S. 51:2232(11), or national origin.

16 \* \* \*

17 §1107. Requirements for licensed professional counselor; temporary license or  
18 registration; renewal of license or registration

19 \* \* \*

20 C. No license shall be denied any applicant based upon the applicant's race,  
21 religion, creed, national origin, sex, age, sexual orientation, gender identity or  
22 expression, or disability ~~or physical impairment~~.

23 \* \* \*

24 §1360.23. Powers and duties of the board

25 \* \* \*

26 I. The board shall ensure that applicants for the program shall not be  
27 discriminated against due to race, color, creed, age, sex, sexual orientation, gender  
28 identity or expression, disability, as defined in R.S. 51:2232(11), or national origin.

29 \* \* \*

1 §1437. Application for license

2 \* \* \*

3 D. Every applicant for a license shall submit a sworn statement attesting that  
4 he has knowledge of and understands the provisions of the Fair Housing Act of 1968  
5 and the Louisiana Equal Housing Opportunity Act, and any amendments thereto or  
6 any successor legislation subsequently following, and that he shall not induce or  
7 attempt to induce any person to sell or rent any dwelling by representations regarding  
8 the entry or prospective entry into an area, subdivision, or neighborhood of a person  
9 or persons of a particular race, color, religion, age, sex, sexual orientation, gender  
10 identity or expression, disability, or national origin.

11 \* \* \*

12 §1455. Causes for censure, suspension, or revocation of license, registration, or  
13 certification

14 A. The commission may censure a licensee, registrant, or certificate holder  
15 or conditionally or unconditionally suspend or revoke any license, registration, or  
16 certificate issued under this Chapter, levy fines or impose civil penalties not to  
17 exceed five thousand dollars, or impose continuing education requirements on  
18 licensees, registrants, or certificate holders if, in the opinion of the commission, a  
19 licensee, registrant, or certificate holder is performing or attempting to perform or  
20 has performed or has attempted to perform any of the following acts:

21 \* \* \*

22 (28) Having been finally adjudicated and found guilty for refusing, because  
23 of race, color, national origin, sex, age, sexual orientation, gender identity or  
24 expression, disability, or ethnic group, to show, sell, or rent any real estate for sale  
25 or rent to qualified purchasers or renters or for any violation of the Fair Housing Act  
26 of 1968 or the Louisiana Equal Housing Opportunity Act ~~and/or~~ including any  
27 amendments thereto or any successor legislation subsequently following.

28 \* \* \*



1 §2654. Board of examiners; creation; membership; appointment; terms; chair;  
2 quorum

3 \* \* \*

4 C.(1) Appointment to the board shall be made without regard to race, creed,  
5 sex, religion, sexual orientation, gender identity or expression, disability, or national  
6 origin of the appointee. The Louisiana Speech-Language-Hearing Association shall,  
7 within not less than thirty days prior to the expiration of each term of office, submit  
8 to the governor a list of at least three names for each respective professional service  
9 category of board member, except the physician member and the public member,  
10 selected by all licensed speech-language pathologists and audiologists in this state,  
11 from which the governor shall make his appointment to fill the office for the next  
12 succeeding term.

13 \* \* \*

14 §2719. Discrimination

15 No license, certificate, or registration shall be denied any applicant based  
16 upon the applicant's race, religion, creed, national origin, sex, age, sexual orientation,  
17 gender identity or expression, ~~or physical impairment so long as the physical~~  
18 ~~impairment does not interfere with the performance of professional duties or~~  
19 disability.

20 \* \* \*

21 §3425. Qualifications for licensure; renewal

22 \* \* \*

23 C. No license shall be denied any applicant based upon the applicant's race,  
24 religion, creed, national origin, sex, age, sexual orientation, gender identity or  
25 expression, ~~or physical impairment or disability.~~

26 \* \* \*

27 §3447. Requirements for licensed professional vocational counselor; renewal of  
28 license

29 \* \* \*

1 C. No license shall be denied any applicant based upon the applicant's race,  
2 religion, creed, national origin, sex, age, sexual orientation, gender identity or  
3 expression, or ~~or physical impairment~~ disability.

4 Section 11. R.S. 38:2315 is hereby amended and reenacted to read as follows:

5 §2315. Equal opportunity

6 Every person shall be guaranteed equal employment opportunities in the  
7 selection of persons for professional services and such selection of persons for  
8 professional services and such selection shall not discriminate against any person  
9 because of race, religion, national ancestry, age, sex, sexual orientation, gender  
10 identity or expression, or ~~physical condition~~ disability. If any person or persons  
11 violates the provisions of this ~~section~~ Section, they shall be subject to the same  
12 penalties as provided in R.S. 38:2314(A).

13 Section 12. R.S. 39:1411 is hereby amended and reenacted to read as follows:

14 §1411. No state assistance for discriminatory programs

15 No person in the State of Louisiana shall, on the ground of race, color,  
16 religion, age, sex, sexual orientation, gender identity or expression, disability, or  
17 national origin, be excluded from participation in, be denied the benefits of, or be  
18 subjected to discrimination under any program or activity receiving state financial  
19 assistance.

20 Section 13. R.S. 40:1232(C), 2113.4(A), 2113.6(A)(1) and (B), 2120.35(B)(5),  
21 2125(B), 2403(H)(1), and 2504 are hereby amended and reenacted to read as follows:

22 §1232. Emergency medical personnel training; licensure

23 \* \* \*

24 C. The bureau shall affirmatively provide that there is no discrimination  
25 toward any individual in the licensure process on the basis of race, religion, creed,  
26 national origin, sex, sexual orientation, gender identity or expression, disability, or  
27 age.

28 \* \* \*

1 §2113.4. Duty to provide services; penalty

2 A. Any general hospital licensed under this Part, which is owned or operated,  
3 or both, by a hospital service district, which benefits from being financed by the sale  
4 of bonds that are exempt from taxation as provided by Louisiana law, or which  
5 receives any other type of financial assistance from the state of Louisiana and which  
6 offers emergency room services to the public and is actually offering such services  
7 at the time, shall make its emergency services available to all persons residing in the  
8 territorial area of the hospital regardless of whether the person is covered by private,  
9 federal Medicare or Medicaid, or other insurance. Each person shall receive these  
10 services free from discrimination based on race, religion, or national ancestry and  
11 from arbitrary, capricious, or unreasonable discrimination based on age, sex, sexual  
12 orientation, gender identity or expression, or physical condition and disability, or  
13 economic status. However, in no event shall emergency treatment be denied to  
14 anyone on account of inability to pay. Any such hospital found to be in violation of  
15 this Section shall not receive any client referrals from the Department of Health and  
16 Hospitals.

17 \* \* \*

18 §2113.6. Emergency diagnoses and services; denial for inability to pay;  
19 discriminatory practices

20 A.(1) No officer, employee, or member of the medical staff of a hospital  
21 licensed by the Department of Health and Hospitals shall deny emergency services  
22 available at the hospital to a person diagnosed by a licensed physician as requiring  
23 emergency services because the person is unable to establish his ability to pay for the  
24 services or because of race, religion, or national ancestry. In addition, the person  
25 needing the services shall not be subjected by any such person to arbitrary,  
26 capricious, or unreasonable discrimination based on age, sex, sexual orientation,  
27 gender identity or expression, physical condition, disability, or economic status.

28 \* \* \*

1           B. No officer, employee, or member of the medical staff of a hospital  
2 licensed by the Department of Health and Hospitals shall deny a person in need of  
3 emergency services access to diagnosis by a licensed physician on the staff of the  
4 hospital because the person is unable to establish his ability to pay for the services  
5 or because of race, religion, or national ancestry. In addition, the person needing the  
6 services shall not be subjected by any such person to arbitrary, capricious, or  
7 unreasonable discrimination based on age, sex, sexual orientation, gender identity  
8 ~~or expression, physical condition, disability~~, or economic status.

9   \*       \*       \*

10 §2120.35. Rules, regulations, and standards for licenses

11   \*       \*       \*

12           B. The department shall promulgate minimum standards for adult brain  
13 injury facilities as defined in this Part which, at a minimum, shall:

14   \*       \*       \*

15           (5) Prohibit discrimination by brain injury facilities on the basis of race,  
16 color, creed, sex, age, sexual orientation, gender identity or expression, disability,  
17 as defined in R.S. 51:2232(11), national origin, or ancestry.

18   \*       \*       \*

19 §2125. Age; continuation of assistance; discrimination

20   \*       \*       \*

21           B. Such assistance shall not be provided where an institution or provider  
22 discriminates against those seeking services provided herein on the basis of race,  
23 color, creed, sex, sexual orientation, gender identity or expression, disability, as  
24 defined in R.S. 51:2232(11), or national origin.

25   \*       \*       \*

26 §2403. Council on Peace Officer Standards and Training

27   \*       \*       \*

28           H.(1) The council may establish and implement curricula and publish  
29 training materials to train peace officers to identify, respond to, and report all crimes

1 which are directed against individuals or groups, or their property, by reason of their  
2 actual or perceived race, age, gender, gender identity or expression, religion, color,  
3 creed, disability, sexual orientation, national origin, or ancestry.

4 \* \* \*

5 §2504. Authority to contract

6 The Interagency Recreation Board may enter into contracts with the private  
7 sector for the maintenance, upkeep, and management of golf courses, tennis courts,  
8 ball parks, and recreation facilities constructed under the provisions of this Chapter  
9 and may enter into other such contracts as may be necessary or appropriate to  
10 implement the provisions of this Chapter or any other functions of the board as  
11 provided by law, all in accordance with applicable laws. However, any such private  
12 contractor shall not in any way prohibit or restrict public access to any recreation  
13 facilities constructed under the provisions of this Chapter on the basis of race, sex,  
14 creed, age, sexual orientation, gender identity or expression, disability, or color.

15 Section 14. R.S. 46:437.11(A), 1104, 1134, 1154, 1407(B)(1)(e)(introductory  
16 paragraph) and (F), 1995, and 2205 are hereby amended and reenacted to read as follows:

17 §437.11. Provider agreements

18 A. The department shall make payments from medical assistance programs  
19 funds for goods, services, or supplies rendered to recipients to any person who has  
20 a provider agreement in effect with the department, who is complying with all  
21 federal and state laws and rules pertaining to the medical assistance programs, and  
22 who agrees that no person shall be subjected to discrimination under the medical  
23 assistance programs because of race, creed, ethnic origin, sex, age, sexual  
24 orientation, gender identity or expression, or ~~physical condition~~. disability.

25 \* \* \*

26 §1104. Application consideration; evaluation

27 It shall be the duty of the board of commissioners to receive, consider,  
28 evaluate, and allow or disallow all applications for scholarships made by eligible  
29 applicants. The board of commissioners shall make careful and full investigation of

1 the ability and qualifications of each applicant. The board of commissioners shall  
 2 provide that an affirmative action program for the selection of recipients be  
 3 established which shall include that no discrimination occur on the basis of race,  
 4 creed, sex, age, sexual orientation, gender identity or expression, disability, or ethnic  
 5 origin. The board of commissioners shall establish and publish rules on the selection  
 6 process of the recipient which shall preclude the appearance of and the possibility  
 7 of nepotism. The board of commissioners shall notify each applicant selected to  
 8 receive a scholarship of his selection and shall also notify the dean of the medical  
 9 school to which the recipient has been admitted or in which he is engaged in study,  
 10 or the chief administrator of any internship or residency program in which the  
 11 applicant is engaged.

\* \* \*

13 §1134. Application consideration; evaluation

14 It shall be the duty of the board of commissioners to receive, consider,  
 15 evaluate, and allow or disallow all applications for scholarships made by eligible  
 16 applicants. The board of commissioners shall make careful and full investigation of  
 17 the ability and qualifications of each applicant. The board of commissioners shall  
 18 provide that an affirmative action program for the selection of recipients be  
 19 established which shall include that no discrimination occur on the basis of race,  
 20 creed, sex, age, sexual orientation, gender identity or expression, disability, or ethnic  
 21 origin. The board of commissioners shall establish and publish rules on the selection  
 22 process of the recipient which shall preclude the appearance of and the possibility  
 23 of nepotism. The board of commissioners shall notify each applicant selected to  
 24 receive a scholarship of his selection and shall also notify the dean of the nursing  
 25 school or office of financial assistance at the school where the student is registered.

\* \* \*

27 §1154. Application consideration; evaluation

28 The board shall receive, consider, evaluate, and allow or disallow all  
 29 applications for scholarships made by eligible applicants. The board shall make

1 careful and full investigation of the ability and qualifications of each applicant. The  
 2 board shall ensure that no discrimination occurs on the basis of race, creed, sex, age,  
 3 sexual orientation, gender identity or expression, disability, or ethnic origin. The  
 4 board shall establish and publish rules on the selection process of the recipient which  
 5 shall preclude the appearance of and the possibility of nepotism. The board shall  
 6 notify each applicant selected to receive a scholarship of his selection and shall also  
 7 notify the dean of the school or office of financial assistance at the school where the  
 8 student is registered.

9 \* \* \*

10 §1407. Rules, regulations, and standards for licenses

11 \* \* \*

12 B.(1) The regulations developed by this department, at a minimum, shall  
 13 accomplish all of the following:

14 \* \* \*

15 (e) Prohibit discrimination by early childhood learning centers and  
 16 specialized providers on the basis of race, color, creed, sex, sexual orientation,  
 17 gender identity or expression, national origin, ~~handicap~~ disability, ancestry, or  
 18 whether the child is being breastfed. However, nothing in this Subparagraph shall  
 19 be construed to affect, limit, or otherwise restrict any of the following:

20 \* \* \*

21 F. Discrimination by child care facilities and child-placing agencies on the  
 22 basis of race, color, creed, sex, sexual orientation, gender identity or expression,  
 23 national origin, disability as defined by R.S. 51:2232(11), ancestry, or whether the  
 24 child is being breastfed is prohibited. However, this shall not restrict the hiring or  
 25 admission policies of a church or religious organization, which may give preference  
 26 in hiring or admission to members of the church or denomination.

27 \* \* \*

1 §1995. Nondiscrimination

2 No citizen of this state shall on the ground of sex, sexual orientation, gender  
3 identity or expression, disability, age, race, color, religion, or national origin be  
4 excluded from participating in, be denied the benefits of, or be subjected to  
5 discrimination under, any program or activity funded in whole or in part with funds  
6 made available under this Chapter.

7 \* \* \*

8 §2205. Nondiscrimination of policy

9 All organizations receiving grants under this Chapter shall provide the  
10 required transportation services without regard to the race, religion, sex, sexual  
11 orientation, gender identity or expression, national ancestry, place of residence, or  
12 income level of the persons needing the assistance.

13 Section 15. R.S. 47:37(C) and 287.755(C) are hereby amended and reenacted to read  
14 as follows:

15 §37. Tax credit for contributions to educational institutions

16 \* \* \*

17 C. There shall be allowed a credit against the tax liability due under the  
18 income tax for donations, contributions, or sales below cost of tangible movable  
19 property made to educational institutions in the state of Louisiana. The credit  
20 allowed by this Section shall be computed at the rate of forty percent of such  
21 property's value, as defined herein, or, in the case of a sale below cost, forty percent  
22 of the difference between the price received for the tangible movable property by the  
23 taxpayer and the value of the property as defined herein. The credit shall be limited  
24 to the total of the tax liability for the taxable year for which it is being claimed and  
25 shall be in lieu of the deductions from gross income provided for in R.S. 47:57. The  
26 credit shall not be allowed if the taxpayer arbitrarily, capriciously, or unreasonably  
27 discriminates against any person because of race, religion, age, sex, sexual  
28 orientation, gender identity or expression, disability, ideas, beliefs, or affiliations.

29 \* \* \*



1 §287.755. Tax credit for contributions to educational institutions

2 \* \* \*

3 C. There shall be allowed a credit against the tax liability due under the  
4 income tax for donations, contributions, or sales below cost of tangible movable  
5 property made to educational institutions in the state of Louisiana. The credit  
6 allowed by this Section shall be computed at the rate of forty percent of such  
7 property's value, as defined herein, or, in the case of a sale below cost, forty percent  
8 of the difference between the price received for the tangible movable property by the  
9 taxpayer and the value of the property as defined herein. The credit shall be limited  
10 to the total of the tax liability for the taxable year for which it is being claimed and  
11 shall be in lieu of the deductions from gross income provided for in R.S. 47:57. The  
12 credit shall not be allowed if the taxpayer arbitrarily, capriciously, or unreasonably  
13 discriminates against any person because of race, religion, age, sex, sexual  
14 orientation, gender identity or expression, disability, ideas, beliefs, or affiliations.

15 \* \* \*

16 Section 16. R.S. 48:274.1(C) is hereby amended and reenacted to read as follows:

17 §274.1. Placing of specific information logo signs on interstate highways; contracts  
18 with third parties

19 \* \* \*

20 C. Each business ~~identified~~ identified on a specific information logo sign  
21 shall give written assurance to the department of its conformity with all applicable  
22 laws concerning the provision of public accommodations without ~~regard to~~  
23 discrimination based on race, religion, color, sex, age, sexual orientation, gender  
24 identity or expression, disability, or national origin and shall not be in breach of that  
25 assurance.

26 \* \* \*

27 Section 17. R.S. 49:145 and 146(A)(1) are hereby amended and reenacted to read  
28 as follows:

1 §145. Use of public buildings; discrimination

2 No person shall be denied access to any public meeting in any public building  
3 or facility used or owned by the state or any political subdivision of the state because  
4 of race, color, creed, age, sex, sexual orientation, gender identity or expression, or  
5 physical or mental disability. For purposes of this Section, a public meeting is a  
6 meeting which is advertised as being open to the general public.

7 §146. Facilities to which public invited; discrimination

8 A.(1) In access to public areas, public accommodations, and public facilities,  
9 every person shall be free from discrimination based on race, religion, or national  
10 ancestry and from arbitrary, capricious, or unreasonable discrimination based on age,  
11 sex, sexual orientation, gender identity or expression, or physical or mental  
12 disability.

13 \* \* \*

14 Section 18. R.S. 51:2231(A), 2232(3), 2235(16)(a), 2236(A), 2237(2), 2247, 2248,  
15 2254(1) and (2), 2255(A)(introductory paragraph), 2602(A), 2606(A)(1) through (5),  
16 2607(A) and (C), and 2608 are hereby amended and reenacted to read as follows:

17 §2231. Statement of purpose; limitation on prohibitions against discrimination  
18 because of age

19 A. It is the purpose and intent of the legislature by this enactment to provide  
20 for execution within Louisiana of the policies embodied in the Federal Civil Rights  
21 Act of 1964, 1968, and 1972 and the Age Discrimination in Employment Act of  
22 1967, as amended; and to assure that Louisiana has appropriate legislation  
23 prohibiting discrimination in public accommodations sufficient to justify the deferral  
24 of cases by the federal Equal Employment Opportunity Commission, the executive  
25 director of the Louisiana Workforce Commission, and the Department of Justice  
26 under those statutes; to safeguard all individuals within the state from discrimination  
27 because of race, creed, color, religion, sex, sexual orientation, gender identity or  
28 expression, age, disability, or national origin in connection with employment and in  
29 connection with public accommodations; to protect their interest in personal dignity

1 and freedom from humiliation; to make available to the state their full productive  
2 capacities in employment; to secure the state against domestic strife and unrest  
3 which would menace its democratic institutions; to preserve the public safety, health,  
4 and general welfare; and to further the interest, rights, and privileges within the state.

5 \* \* \*

6 §2232. Definitions

7 As used in this Chapter:

8 \* \* \*

9 (3) "Discriminatory practice in connection with public accommodations"  
10 means any direct or indirect act or practice of exclusion, distinction, restriction,  
11 segregation, limitation, refusal, denial, or any other act or practice of differentiation  
12 or preference in the treatment of a person or persons because of race, creed, color,  
13 religion, sex, sexual orientation, gender identity or expression, age, disability, or  
14 national origin.

15 \* \* \*

16 §2235. Powers and duties of commission

17 In the enforcement of this Chapter, the commission shall have the following  
18 powers and duties:

19 \* \* \*

20 (16) To create local or statewide advisory committees that in its judgment  
21 will aid in effectuating the purposes of this Chapter. Members of such committees  
22 shall serve without pay but shall be reimbursed for expenses incurred in such service.  
23 The commission may make provision for technical and clerical assistance to the  
24 committees. The commission may empower these committees:

25 (a) To study and report on problems of discrimination because of race, creed,  
26 color, religion, sex, sexual orientation, gender identity or expression, age, disability,  
27 or national origin.

28 \* \* \*

1 §2236. Parishes and municipalities may prohibit discrimination

2 A. Parishes and municipalities may adopt and enforce ordinances, orders,  
3 and resolutions prohibiting all forms of discrimination, including discrimination on  
4 the basis of race, creed, color, religion, national origin, sex, sexual orientation,  
5 gender identity or expression, disability, or age, and ~~to~~ prescribe penalties for  
6 violations thereof, such penalties being in addition to the remedial orders and  
7 enforcement herein authorized.

8 \* \* \*

9 §2237. Local human rights commissions

10 Any parish or municipality, or one or more parishes and municipalities acting  
11 jointly, may create a human rights commission, hereinafter referred to as a "local  
12 commission":

13 \* \* \*

14 (2) To safeguard all individuals within its jurisdiction from discrimination  
15 because of race, creed, color, religion, national origin, sex, sexual orientation, gender  
16 identity or expression, disability, or age.

17 \* \* \*

18 §2247. Public accommodations, resorts, amusements; discriminatory practices  
19 prohibited

20 Except as otherwise provided in this Chapter, it is a discriminatory practice  
21 for a person to deny an individual the full and equal enjoyment of the goods,  
22 services, facilities, privileges, advantages, and accommodations of a place of public  
23 accommodation, resort, or amusement, as defined in this Chapter, on the grounds of  
24 race, creed, color, religion, sex, sexual orientation, gender identity or expression,  
25 age, disability, as defined in R.S. 51:2232(11), or national origin.

26 §2248. Advertisement of accommodations, goods, services

27 It shall be an unlawful practice for a person, directly or indirectly, to publish,  
28 circulate, issue, display, mail, or cause to be published, circulated, issued, displayed,  
29 or mailed, a written, printed, oral, or visual communication, notice, or advertisement

1 which indicates that the goods, services, facilities, privileges, advantages, and  
 2 accommodations of a place of public accommodation, resort, or amusement shall be  
 3 refused, withheld from, or denied an individual on account of his race, color,  
 4 religion, age, sex, sexual orientation, gender identity or expression, disability, as  
 5 defined in R.S. 51:2232(11), or national origin, or that the patronage of or presence  
 6 at a place of public accommodations, resort, or amusement of an individual on  
 7 account of his race, color, religion, age, sex, sexual orientation, gender identity or  
 8 expression, disability, as defined in R.S. 51:2232(11), or national origin is  
 9 objectionable, unwelcome, unacceptable, or undesirable.

10 §2254. Unlawful financial practices

11 It shall be an unlawful practice for a financial institution or an individual  
 12 employed by or acting on behalf of a financial institution:

13 (1) To discriminate against an individual because of the race, creed, color,  
 14 religion, national origin, sex, age, sexual orientation, gender identity or expression,  
 15 disability, as defined in R.S. 51:2232(11), or age of the individual or the present or  
 16 prospective owner, tenant, or occupant of the immovable property or of a member,  
 17 stockholder, director, officer, employee, or representative of any of these, in the  
 18 granting, withholding, extending, modifying, or renewing of rates, terms, conditions,  
 19 privileges, or other provisions of financial assistance or in the extension of services  
 20 in connection therewith.

21 (2) To use a form of application for financial assistance or to make or keep  
 22 a record or inquiry in connection with applications for financial assistance which  
 23 indicates directly or indirectly a limitation, specification, or discrimination, as to  
 24 race, creed, color, religion, age, sex, sexual orientation, gender identity or  
 25 expression, disability, as defined in R.S. 51:2232(11), or national origin, or an intent  
 26 to make such a limitation, specification, or discrimination.

27 \* \* \*

1 §2255. Unlawful practices in connection with credit transactions; exceptions

2 A. It shall be an unlawful practice for any person, whether acting for himself  
3 or another, in connection with any credit transaction because of race, creed, color,  
4 religion, national origin, disability, as defined in R.S. 51:2232(11), ~~or sex, age,~~  
5 sexual orientation, gender identity or expression:

6 \* \* \*

7 §2602. Policy

8 A. The legislature finds and declares that persons in this state who seek a  
9 place to live should be able to find such housing whenever it is available. Further,  
10 in many localities there may be housing shortages. All persons should therefore be  
11 able to compete for available housing on an open, fair, and equitable basis, regardless  
12 of race, color, religion, sex, age, sexual orientation, gender identity or expression,  
13 ~~handicap~~ disability, familial status, or national origin.

14 \* \* \*

15 §2606. Discrimination in sale or rental of housing and other prohibited practices

16 A. As made applicable by R.S. 51:2604, and except as exempted by  
17 Subsection B thereof and R.S. 51:2605, it is unlawful:

18 (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse  
19 to negotiate for the sale or rental of, or otherwise make unavailable or deny, a  
20 dwelling to any person because of race, color, religion, sex, age, sexual orientation,  
21 gender identity or expression, familial status, or national origin.

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

26 (3) To make, print, or publish, or cause to be made, printed, or published any  
27 notice, statement, or advertisement, with respect to the sale or rental of a dwelling  
28 that indicates any preference, limitation, or discrimination based on race, color,  
29 religion, sex, age, sexual orientation, gender identity or expression, ~~handicap~~

1 disability, familial status, or national origin, or an intention to make any such  
2 preference, limitation, or discrimination.

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

7 (5) For profit, to induce or attempt to induce any person to sell or rent any  
8 dwelling by representations regarding the entry or prospective entry into the  
9 neighborhood of a person or persons of a particular race, color, religion, sex, age,  
10 sexual orientation, gender identity or expression, handicap disability, familial status,  
11 or national origin.

12 \* \* \*

13 §2607. Discrimination in residential real estate related transactions

14 A. It is unlawful for any person or other entity whose business includes  
15 engaging in residential real estate related transactions to discriminate against any  
16 person in making available such a transaction, or in the terms or conditions of such  
17 a transaction, because of race, color, religion, sex, age, sexual orientation, gender  
18 identity or expression, handicap disability, familial status, or national origin.

19 \* \* \*

20 C. Nothing in this Chapter prohibits a person engaged in the business of  
21 furnishing appraisals of real property to take into consideration factors other than  
22 race, color, religion, national origin, sex, age, sexual orientation, gender identity or  
23 expression, handicap disability, or familial status.

24 §2608. Discrimination in provision of brokerage services

25 It is unlawful to deny any person access to or membership or participation in  
26 any multiple-listing service, real estate brokers' organization or other service,  
27 organization, or facility relating to the business of selling or renting dwellings, or to  
28 discriminate against him in the terms or conditions of such access, membership, or

1 participation, on account of race, color, religion, sex, age, sexual orientation, gender  
2 identity or expression, handicap disability, familial status, or national origin.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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)	
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)



<b>Citation R.S.</b>	<b>Provisions about discrimination related to</b>	<b>Adds sexual orientation &amp; gender identity or expression as discrimination criteria</b>	<b>Other criteria added</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
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

<b>Citation R.S.</b>	<b>Provisions about discrimination related to</b>	<b>Adds sexual orientation &amp; gender identity or expression as discrimination criteria</b>	<b>Other criteria added</b>
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
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

<b>Citation R.S.</b>	<b>Provisions about discrimination related to</b>	<b>Adds sexual orientation &amp; gender identity or expression as discrimination criteria</b>	<b>Other criteria added</b>
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)	
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	

Citation R.S.	Provisions about discrimination related to	Adds sexual orientation & gender identity or expression as discrimination criteria	Other criteria added
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
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))