



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3401/1
JAM:kjf

2021 SENATE BILL 362

May 25, 2021 - Introduced by Senators CARPENTER, AGARD, ERPENBACH, LARSON, RINGHAND, ROYS, SMITH and L. TAYLOR, cosponsored by Representatives SPREITZER, NEUBAUER, SNODGRASS, CABRERA, ANDERSON, ANDRACA, BOWEN, BROSTOFF, CONLEY, EMERSON, GOYKE, HEBL, HESSELBEIN, HONG, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SUBECK and VINING. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1 **AN ACT** *to amend* 15.04 (1) (g), 16.765 (1), 16.765 (2), 36.09 (1) (e), 36.11 (3) (a),
2 36.12 (1), 36.29 (1), 38.04 (13) (b), 38.23 (1), 38.23 (4), 47.02 (3m) (f), 48.82 (1)
3 (a), 48.82 (6), 51.90, 66.0125 (3) (a), 66.0125 (3) (c) 1. b., 66.0125 (9), 66.1011 (1),
4 66.1201 (2m), 66.1213 (3), 66.1301 (2m), 66.1331 (2m), 66.1333 (3) (e) 2., 86.195
5 (5) (c), 106.50 (1), 106.50 (1m) (h), 106.50 (1m) (nm), 106.50 (5m) (f) 1., 106.52
6 (3) (a) 1., 106.52 (3) (a) 2., 106.52 (3) (a) 3., 106.52 (3) (a) 4., 106.52 (3) (a) 5.,
7 106.52 (3) (b), 106.52 (3) (c), 106.52 (3) (d), 106.52 (3) (e), 106.58, 111.31 (1),
8 111.31 (2), 111.31 (3), 111.321, 111.36 (title), 111.36 (1) (br), 111.36 (1) (c), 111.36
9 (1) (d) 1., 111.36 (1) (d) 2., 111.36 (2), 111.70 (2), 111.81 (12) (b), 111.85 (2) (b),
10 118.019 (2d), 118.13 (1), 118.20 (1), 118.40 (4) (b) 2., 194.025, 224.77 (1) (o),
11 227.10 (3) (a), 230.01 (2) (b), 230.18, 234.29, 321.37, 440.45 (1), 440.45 (2),
12 452.14 (3) (n), 625.12 (2), 632.35 and 756.001 (3); and **to create** 106.50 (1m)
13 (kg), 106.52 (1) (cr), 111.32 (7j) and 628.34 (3) (c) of the statutes; **relating to:**
14 discrimination in employment, housing, public accommodations, education,

SENATE BILL 362

1 insurance coverage, national guard, jury duty, and adoption and in the receipt
2 of mental health or vocational rehabilitation services.

Analysis by the Legislative Reference Bureau

This bill prohibits discrimination on the basis of an individual's gender identity or gender expression, which is defined in the bill as an individual's gender-related identity, gender-related appearance, gender-related expression, or gender-related behavior, regardless of the individual's assigned sex at birth or gender identifiers on official documents issued by a federal, state, or local government agency. The bill also make changes to various discrimination laws, including all of the following:

1. Current law prohibits discrimination in employment, housing, and the equal enjoyment of a public place of accommodation or amusement on the basis of a person's sex or sexual orientation. Current law also requires certain state agencies, authorities, and corporations to include provisions in contracts they execute obliging the contractor to similarly not discriminate against any employee or applicant for employment. This bill adds gender identity or gender expression as a prohibited basis for discrimination in these areas.

2. Current law prohibits the University of Wisconsin System, the Technical College System, public elementary and secondary schools, and charter schools from discriminating against a student on the basis of the student's sex or sexual orientation. This bill prohibits the same educational institutions from discriminating against a student on the basis of the student's gender identity or gender expression, and from discriminating against a student based on the protected status of the student's parent. This bill also prohibits the UW System Board of Regents from investing gifts, grants, and bequests in companies that practice discrimination based on sexual orientation or gender identity or gender expression.

3. Current law prohibits the exclusion of an individual from jury duty on the basis of the individual's sex or sexual orientation. This bill adds gender identity or gender expression as a prohibited basis for exclusion of an individual from jury duty.

4. Current law permits only either a single adult or a husband and wife jointly to adopt a child. This bill permits only either a single individual or two individuals married to each other jointly to adopt a child, and also provides that no otherwise qualified person may be denied the benefits of the adoption and guardianship statute subchapter because of the person's sex, sexual orientation, or gender identity or gender expression.

5. Current law requires heads of executive departments and agencies to determine whether there is arbitrary discrimination on the basis of sex or sexual orientation, and to take remedial action if such discrimination is found. This bill requires these heads to also determine if there is discrimination on the basis of gender identity or gender expression, and take remedial action regarding such discrimination.

6. Current law prohibits discriminating against an employee, prospective employee, patient, or resident of an approved treatment facility providing treatment

SENATE BILL 362

of alcoholic, drug dependent, mentally ill, or developmentally disabled persons on the basis of sex. This bill adds sexual orientation and gender identity or gender expression as prohibited bases of discrimination.

7. Current law prohibits agency rules from discriminating against a person by reason of sex or sexual orientation. This bill adds gender identity or gender expression as prohibited bases of discrimination.

8. Current law prohibits discrimination on the basis of sex in the provision of vocational rehabilitation or mental health services. This bill adds sexual orientation and gender identity or gender expression to the prohibited bases of discrimination.

9. Current law prohibits the national guard or state defense force from denying membership based on sex or sexual orientation. This bill adds gender identity or gender expression as a prohibited basis of discrimination. This bill also provides that no member of the national guard or state defense force may be denied equal access to facilities most consistent with the person's gender identity.

10. Current law provides that sex is a bona fide occupational qualification if all of the members of one sex are physically incapable of performing the essential duties required by a job, or if the essence of the employer's business operation would be undermined if employees were not hired exclusively from one sex. This bill adds to the sex as a bona fide occupational qualification law that an individual may not be treated or regarded inconsistent with the individual's gender identity, or discriminated against based on the individual's gender identity or gender expression.

11. Current law permits public places of accommodation or amusement to provide separate facilities to persons of different sexes. This bill provides that public places of accommodation or amusement may provide separate facilities to persons of different sexes, but prohibits those places from denying individuals equal access to the facilities most consistent with the individual's gender identity.

12. This bill prohibits an insurer from discriminating against an individual on the basis of age, residence, race, color, creed, religion, national origin, ancestry, marital status, occupation, gender identity or gender expression, sex, or sexual orientation, and also prohibits motor carriers, automobile insurers, transportation network companies, and real estate brokers and salespersons from discriminating against an individual on the basis of sexual orientation or gender identity or gender expression.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 15.04 (1) (g) of the statutes is amended to read:
- 2 15.04 (1) (g) *Discrimination review.* In order to determine whether there is any
- 3 arbitrary discrimination on the basis of race, religion, national origin, sex, marital

SENATE BILL 362**SECTION 1**

1 status ~~or, gender identity or gender expression, as defined in s. 111.32 (7j), or sexual~~
2 orientation, as defined in s. 111.32 (13m), examine and assess the statutes under
3 which the head has powers or regulatory responsibilities, the procedures by which
4 those statutes are administered, and the rules promulgated under those statutes.
5 If the department or agency head finds any such discrimination, ~~he or she~~ the agency
6 head shall take remedial action, including making recommendations to the
7 appropriate executive, legislative, or administrative authority.

8 **SECTION 2.** 16.765 (1) of the statutes is amended to read:

9 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
10 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
11 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
12 Economic Development Corporation, and the Bradley Center Sports and
13 Entertainment Corporation shall include in all contracts executed by them a
14 provision obligating the contractor not to discriminate against any employee or
15 applicant for employment because of age, race, religion, color, handicap, sex, physical
16 condition, developmental disability, as defined in s. 51.01 (5), sexual orientation, as
17 defined in s. 111.32 (13m), gender identity or gender expression, as defined in s.
18 111.32 (7j), or national origin and, except with respect to sexual orientation or gender
19 identity or gender expression, obligating the contractor to take affirmative action to
20 ensure equal employment opportunities.

21 **SECTION 3.** 16.765 (2) of the statutes is amended to read:

22 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
24 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
25 Economic Development Corporation, and the Bradley Center Sports and

SENATE BILL 362

1 Entertainment Corporation shall include the following provision in every contract
2 executed by them: “In connection with the performance of work under this contract,
3 the contractor agrees not to discriminate against any employee or applicant for
4 employment because of age, race, religion, color, handicap, sex, physical condition,
5 developmental disability, as defined in s. 51.01 (5), sexual orientation, as defined in
6 s. 111.32 (13m), gender identity or gender expression, as defined in s. 111.32 (7j), or
7 national origin. This provision shall include, ~~but not be limited to, the following:~~
8 employment, upgrading, demotion or transfer; recruitment or recruitment
9 advertising; layoff or termination; rates of pay or other forms of compensation; and
10 selection for training, including apprenticeship. Except with respect to sexual
11 orientation or gender identity or gender expression, the contractor further agrees to
12 take affirmative action to ensure equal employment opportunities. The contractor
13 agrees to post in conspicuous places, available for employees and applicants for
14 employment, notices to be provided by the contracting officer setting forth the
15 provisions of the nondiscrimination clause”. clause.”

16 **SECTION 4.** 36.09 (1) (e) of the statutes is amended to read:

17 36.09 (1) (e) Subject to par. (em), the board shall appoint a president of the
18 system; a chancellor for each institution; a dean for each college campus; the state
19 geologist; the director of the laboratory of hygiene; the director of the psychiatric
20 institute; the state cartographer; and the requisite number of officers, other than the
21 vice presidents, associate vice presidents, and assistant vice presidents of the
22 system; faculty; academic staff; and other employees and fix the salaries, subject to
23 the limitations under par. (j) and s. 230.12 (3) (e), the duties and the term of office
24 for each. The board shall fix the salaries, subject to the limitations under par. (j) and
25 s. 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice

SENATE BILL 362**SECTION 4**

1 president, and assistant vice president of the system. No sectarian or partisan tests
2 or any tests based upon race, religion, national origin, ~~or sex, gender identity or~~
3 ~~gender expression, as defined in s. 111.32 (7j), or sexual orientation, as defined in s.~~
4 ~~111.32 (13m), shall ever be allowed or exercised in the appointment of the employees~~
5 of the system.

6 **SECTION 5.** 36.11 (3) (a) of the statutes is amended to read:

7 36.11 (3) (a) The board shall establish the policies for admission within the
8 system and within these policies each institution shall establish specific
9 requirements for admission to its courses of instruction. No sectarian or partisan
10 tests ~~test~~ or any tests ~~test~~ based upon race, ~~color, creed,~~ religion, ~~sex,~~ national origin
11 of U.S. ~~citizens or sex~~ a U.S. citizen, disability, ancestry, age, sexual orientation, as
12 defined in s. 111.32 (13m), gender identity or gender expression, as defined in s.
13 111.32 (7j), pregnancy, marital status, or parental status shall ever be allowed in the
14 admission of students ~~thereto~~ a student to any service, course, program, or facility
15 of the system or any of its institutions.

16 **SECTION 6.** 36.12 (1) of the statutes is amended to read:

17 36.12 (1) No student may be denied admission to, participation in, or the
18 benefits of, or be discriminated against in, any service, program, course, or facility
19 of the system or its institutions because of the student's race, color, creed, religion,
20 sex, national origin, disability, ancestry, age, sexual orientation, as defined in s.
21 111.32 (13m), gender identity or gender expression, as defined in s. 111.32 (7j),
22 pregnancy, marital status, or parental status of the student or of the student's
23 parent.

24 **SECTION 7.** 36.29 (1) of the statutes is amended to read:

SENATE BILL 362

1 36.29 (1) All gifts, grants, and bequests for the benefit or advantage of the
2 system or any of its institutions, departments, or facilities or to provide any means
3 of instruction, illustration, or knowledge in connection therewith, whether made to
4 trustees or otherwise, shall be valid notwithstanding any other provision of this
5 chapter except as otherwise provided in this subsection and shall be executed and
6 enforced according to the provisions of the instrument making the same, including
7 all provisions and directions in any such instrument for accumulation of the income
8 of any fund or rents and profits of any real estate without being subject to the
9 limitations and restrictions provided by law in other cases; but no such income
10 accumulation shall be allowed to produce a fund more than 20 times as great as that
11 originally given. No investment of the funds of such gifts, grants, or bequests shall
12 knowingly be made in any company, corporation, subsidiary, or affiliate that
13 practices or condones through its actions discrimination on the basis of race, religion,
14 color, creed, ~~or sex,~~ gender identity or gender expression, as defined in s. 111.32 (7j),
15 or sexual orientation, as defined in s. 111.32 (13m). Except as otherwise provided in
16 this section, the board may invest not to exceed 85 percent of trust funds held and
17 administered by the board in common stocks. This subsection does not apply to a gift,
18 grant, or bequest that the board declines to accept or that the board is not authorized
19 to accept under this section.

20 **SECTION 8.** 38.04 (13) (b) of the statutes is amended to read:

21 38.04 (13) (b) No person may, on the ground of sex, gender identity or gender
22 expression, as defined in s. 111.32 (7j), sexual orientation, as defined in s. 111.32
23 (3m), age, race, color, religion, or national origin, be excluded from participating in,
24 be denied the benefits of, or be subjected to discrimination under any program or
25 activity funded in whole or in part with funds made available under this subsection.

SENATE BILL 362**SECTION 9**

1 **SECTION 9.** 38.23 (1) of the statutes is amended to read:

2 38.23 (1) No student may be denied admission to, participation in, or the
3 benefits of, or be discriminated against in, any service, program, course, or facility
4 of the board or any district because of the student's race, color, creed, religion, sex,
5 national origin, disability, ancestry, age, sexual orientation, as defined in s. 111.32
6 (13m), gender identity or gender expression, as defined in s. 111.32 (7j), pregnancy,
7 marital status, or parental status of the student or of the student's parent.

8 **SECTION 10.** 38.23 (4) of the statutes is amended to read:

9 38.23 (4) Nothing in this section or s. 36.12 prevents institutions from
10 segregating students in dormitories based on sex, except that no person may be
11 denied equal access to the dormitory most consistent with the person's gender
12 identity.

13 **SECTION 11.** 47.02 (3m) (f) of the statutes is amended to read:

14 47.02 (3m) (f) Assure that eligibility for vocational rehabilitation services
15 under this chapter is determined without regard to the sex, gender identity or gender
16 expression, as defined in s. 111.32 (7j), sexual orientation, as defined in s. 111.32
17 (13m), race, age, creed, color, or national origin of the individual applying for
18 services, that no class of individuals is found ineligible solely on the basis of type of
19 disability, and that no age limitations for eligibility exist which that, by themselves,
20 would result in ineligibility for vocational rehabilitation services.

21 **SECTION 12.** 48.82 (1) (a) of the statutes is amended to read:

22 48.82 (1) (a) ~~A husband and wife~~ Two adults married to each other jointly, or
23 either the husband or wife spouse if the other spouse is a parent of the minor.

24 **SECTION 13.** 48.82 (6) of the statutes is amended to read:

SENATE BILL 362

1 48.82 (6) No otherwise qualified person may be denied the benefits of this
2 subchapter because of ~~his or her~~ the person's race, color, ancestry ~~or~~, national origin,
3 sex, gender identity or gender expression, as defined in s. 111.32 (7j), or sexual
4 orientation, as defined in s. 111.32 (13m).

5 **SECTION 14.** 51.90 of the statutes is amended to read:

6 **51.90 Antidiscrimination.** No employee, prospective employee, patient, or
7 resident of an approved treatment facility, or consumer of services provided under
8 this chapter, may be discriminated against because of age, race, creed, color, sex ~~or~~
9 handicap, disability, gender identity or gender expression, as defined in s. 111.32 (7j),
10 or sexual orientation, as defined in s. 111.32 (13m).

11 **SECTION 15.** 66.0125 (3) (a) of the statutes is amended to read:

12 66.0125 (3) (a) The purpose of the commission is to study, analyze, and
13 recommend solutions for the major social, economic, and cultural problems that
14 affect people residing or working within the local governmental unit, including
15 problems of the family, youth, education, the aging, juvenile delinquency, health and
16 zoning standards, discrimination in employment and public accommodations and
17 facilities on the basis of sex, class, race, religion, gender identity or gender
18 expression, as defined in s. 111.32 (7j), sexual orientation, as defined in s. 111.32
19 (13m), or ethnic or minority status and discrimination in housing on the basis of sex,
20 class, race, religion, sexual orientation, as defined in s. 111.32 (13m), gender identity
21 or gender expression, as defined in s. 111.32 (7j), ethnic or minority status, or status
22 as a victim of domestic abuse, sexual assault, or stalking.

23 **SECTION 16.** 66.0125 (3) (c) 1. b. of the statutes is amended to read:

24 66.0125 (3) (c) 1. b. To ensure to all residents of a local governmental unit,
25 regardless of sex, race, sexual orientation, as defined in s. 111.32 (13m), gender

SENATE BILL 362**SECTION 16**

1 identity or gender expression, as defined in s. 111.32 (7j), or color, the right to enjoy
2 equal employment opportunities and to ensure to those residents, regardless of sex,
3 race, sexual orientation, as defined in s. 111.32 (13m), gender identity or gender
4 expression, as defined in s. 111.32 (7j), color, or status as a victim of domestic abuse,
5 sexual assault, or stalking, the right to possess equal housing opportunities.

6 **SECTION 17.** 66.0125 (9) of the statutes is amended to read:

7 66.0125 (9) INTENT. It is the intent of this section to promote fair and friendly
8 relations among all the people in this state, and to that end race, creed, sexual
9 orientation, as defined in s. 111.32 (13m), gender identity or gender expression, as
10 defined in s. 111.32 (7j), or color ought not to be made tests in the matter of the right
11 of any person to earn a livelihood or to enjoy the equal use of public accommodations
12 and facilities and race, creed, sexual orientation, as defined in s. 111.32 (13m), gender
13 identity or gender expression, as defined in s. 111.32 (7j), color, or status as a victim
14 of domestic abuse, sexual assault, or stalking ought not to be made tests in the matter
15 of the right of any person to sell, lease, occupy, or use real estate.

16 **SECTION 18.** 66.1011 (1) of the statutes is amended to read:

17 66.1011 (1) DECLARATION OF POLICY. The right of all persons to have equal
18 opportunities for housing regardless of their sex, race, color, disability, as defined in
19 s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32 (13m), gender identity
20 or gender expression, as defined in s. 111.32 (7j), religion, national origin, marital
21 status, family status, as defined in s. 106.50 (1m) (k), status as a victim of domestic
22 abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), lawful source of
23 income, age, or ancestry is a matter both of statewide concern under ss. 101.132 and
24 106.50 and also of local interest under this section and s. 66.0125. The enactment
25 of ss. 101.132 and 106.50 by the legislature does not preempt the subject matter of

SENATE BILL 362

1 equal opportunities in housing from consideration by political subdivisions, and does
2 not exempt political subdivisions from their duty, nor deprive them of their right, to
3 enact ordinances that prohibit discrimination in any type of housing solely on the
4 basis of an individual being a member of a protected class.

5 **SECTION 19.** 66.1201 (2m) of the statutes is amended to read:

6 66.1201 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit,
7 facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the right, benefit,
8 facility, or privilege in any manner for any purpose nor be discriminated against
9 because of sex, race, color, creed, national origin, gender identity or gender
10 expression, as defined in s. 111.32 (7j), sexual orientation, as defined in s. 111.32
11 (13m), or status as a victim of domestic abuse, sexual assault, or stalking, as defined
12 in s. 106.50 (1m) (u), or national origin.

13 **SECTION 20.** 66.1213 (3) of the statutes is amended to read:

14 66.1213 (3) DISCRIMINATION. Persons otherwise entitled to any right, benefit,
15 facility, or privilege under this section may not be denied the right, benefit, facility,
16 or privilege in any manner for any purpose nor be discriminated against because of
17 sex, race, color, creed, national origin, gender identity or gender expression, as
18 defined in s. 111.32 (7j), sexual orientation, as defined in s. 111.32 (13m), or status
19 as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m)
20 (u), or national origin.

21 **SECTION 21.** 66.1301 (2m) of the statutes is amended to read:

22 66.1301 (2m) DISCRIMINATION. Persons entitled to any right, benefit, facility,
23 or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit, facility,
24 or privilege in any manner for any purpose nor be discriminated against because of
25 sex, race, color, creed, national origin, gender identity or gender expression, as

SENATE BILL 362**SECTION 21**

1 defined in s. 111.32 (7j), sexual orientation, as defined in s. 111.32 (13m), or status
2 as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m)
3 (u), ~~or national origin.~~

4 **SECTION 22.** 66.1331 (2m) of the statutes is amended to read:

5 66.1331 **(2m)** DISCRIMINATION. Persons otherwise entitled to any right, benefit,
6 facility, or privilege under this section may not be denied the right, benefit, facility,
7 or privilege in any manner for any purpose nor be discriminated against because of
8 sex, race, color, creed, national origin, gender identity or gender expression, as
9 defined in s. 111.32 (7j), sexual orientation, as defined in s. 111.32 (13m), or status
10 as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m)
11 (u), ~~or national origin.~~

12 **SECTION 23.** 66.1333 (3) (e) 2. of the statutes is amended to read:

13 66.1333 **(3)** (e) 2. Persons otherwise entitled to any right, benefit, facility, or
14 privilege under this section may not be denied the right, benefit, facility, or privilege
15 in any manner for any purpose nor be discriminated against because of sex, race,
16 color, creed, national origin, gender identity or gender expression, as defined in s.
17 111.32 (7j), sexual orientation, as defined in s. 111.32 (13m), or status as a victim of
18 domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), ~~or~~
19 ~~national origin.~~

20 **SECTION 24.** 86.195 (5) (c) of the statutes is amended to read:

21 86.195 **(5)** (c) *Conformity with discrimination laws.* Each business identified
22 as a motorist service on a specific information sign shall, as a condition of eligibility
23 for erection, installation, and maintenance of a sign under this section, give written
24 assurance to the department that the business conforms with all applicable laws
25 concerning the provisions of public accommodations without regard to race, religion,

SENATE BILL 362

1 color, sex, sexual orientation, as defined in s. 111.32 (13m), gender identity or gender
2 expression, as defined in s. 111.32 (7j), or national origin.

3 **SECTION 25.** 106.50 (1) of the statutes is amended to read:

4 106.50 (1) INTENT. It is the intent of this section to render unlawful
5 discrimination in housing. It is the declared policy of this state that all persons shall
6 have an equal opportunity for housing regardless of sex; race; color; sexual
7 orientation; gender identity or gender expression; disability; religion; national
8 origin; marital status; family status; status as a victim of domestic abuse, sexual
9 assault, or stalking; lawful source of income; age; or ancestry, and it is the duty of
10 the political subdivisions to assist in the orderly prevention or removal of all
11 discrimination in housing through the powers granted under ss. 66.0125 and
12 66.1011. The legislature hereby extends the state law governing equal housing
13 opportunities to cover single-family residences that are owner-occupied. The
14 legislature finds that the sale and rental of single-family residences constitute a
15 significant portion of the housing business in this state and should be regulated.
16 This section shall be considered an exercise of the police powers of the state for the
17 protection of the welfare, health, peace, dignity, and human rights of the people of
18 this state.

19 **SECTION 26.** 106.50 (1m) (h) of the statutes is amended to read:

20 106.50 (1m) (h) "Discriminate" means to segregate, separate, exclude, or treat
21 a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r)
22 because of sex; race; color; sexual orientation; gender identity or gender
23 expression; disability; religion; national origin; marital status; family status;
24 status as a victim of domestic abuse, sexual assault, or stalking; lawful source of
25 income; age; or ancestry.

SENATE BILL 362**SECTION 27**

1 **SECTION 27.** 106.50 (1m) (kg) of the statutes is created to read:

2 106.50 **(1m)** (kg) “Gender identity or gender expression” has the meaning given
3 in s. 111.32 (7j).

4 **SECTION 28.** 106.50 (1m) (nm) of the statutes is amended to read:

5 106.50 **(1m)** (nm) “Member of a protected class” means a group of natural
6 persons, or a natural person, who may be categorized because of sex;_; race;_; color;_;
7 disability;_; sexual orientation;_; gender identity or gender expression; religion;_;
8 national origin;_; marital status;_; family status;_; status as a victim of domestic abuse,
9 sexual abuse, or stalking;_; lawful source of income;_; age;_; or ancestry.

10 **SECTION 29.** 106.50 (5m) (f) 1. of the statutes is amended to read:

11 106.50 **(5m)** (f) 1. Nothing in this section prohibits an owner or agent from
12 requiring that a person who seeks to buy or rent housing supply information
13 concerning family status, and marital, financial, and business status, but not
14 concerning race;_; color;_; disability;_; sexual orientation;_; gender identity or gender
15 expression; ancestry;_; national origin;_; religion;_; creed;_; status as a victim of domestic
16 abuse, sexual assault, or stalking;_; or, subject to subd. 2., age.

17 **SECTION 30.** 106.52 (1) (cr) of the statutes is created to read:

18 106.52 **(1)** (cr) “Gender identity or gender expression” has the meaning given
19 in s. 111.32 (7j).

20 **SECTION 31.** 106.52 (3) (a) 1. of the statutes is amended to read:

21 106.52 **(3)** (a) 1. Deny to another or charge another a higher price than the
22 regular rate for the full and equal enjoyment of any public place of accommodation
23 or amusement because of sex;_; race;_; color;_; creed;_; disability;_; sexual orientation;_;
24 gender identity or gender expression; national origin; or ancestry.

25 **SECTION 32.** 106.52 (3) (a) 2. of the statutes is amended to read:

SENATE BILL 362

1 106.52 (3) (a) 2. Give preferential treatment to some classes of persons in
2 providing services or facilities in any public place of accommodation or amusement
3 because of sex,; race,; color,; creed,; sexual orientation,; gender identity or gender
4 expression; national origin; or ancestry.

5 **SECTION 33.** 106.52 (3) (a) 3. of the statutes is amended to read:

6 106.52 (3) (a) 3. Directly or indirectly publish, circulate, display, or mail any
7 written communication ~~which~~ that the communicator knows is to the effect that any
8 of the facilities of any public place of accommodation or amusement will be denied
9 to any person ~~by reason of,~~ or that the patronage of any person is unwelcome,
10 objectionable, or unacceptable, because of sex,; race,; color,; creed,; disability,; sexual
11 orientation,; gender identity or gender expression; national origin; or ancestry ~~or~~
12 ~~that the patronage of a person is unwelcome, objectionable or unacceptable for any~~
13 ~~of those reasons.~~

14 **SECTION 34.** 106.52 (3) (a) 4. of the statutes is amended to read:

15 106.52 (3) (a) 4. Refuse to furnish or charge another a higher rate for any
16 automobile insurance because of race, color, creed, disability, national origin ~~or,~~
17 ancestry, gender identity or gender expression, or sexual orientation.

18 **SECTION 35.** 106.52 (3) (a) 5. of the statutes is amended to read:

19 106.52 (3) (a) 5. Refuse to rent, charge a higher price than the regular rate, or
20 give preferential treatment, regarding the use of any private facilities commonly
21 rented to the public because of sex,; race,; color,; creed,; sexual orientation,; gender
22 identity or gender expression; national origin; or ancestry, ~~regarding the use of any~~
23 ~~private facilities commonly rented to the public.~~

24 **SECTION 36.** 106.52 (3) (b) of the statutes is amended to read:

SENATE BILL 362**SECTION 36**

1 106.52 (3) (b) Nothing in this subsection prohibits separate dormitories at
2 higher educational institutions or separate public toilets, showers, saunas and
3 dressing rooms for persons of different sexes, except that no person may be denied
4 equal access to the facilities most consistent with the person's gender identity.

5 **SECTION 37.** 106.52 (3) (c) of the statutes is amended to read:

6 106.52 (3) (c) Nothing in this subsection prohibits separate treatment of
7 persons based on sex with regard to public toilets, showers, saunas and dressing
8 rooms for persons of different sexes, except that no person may be denied equal access
9 to the facilities most consistent with the person's gender identity.

10 **SECTION 38.** 106.52 (3) (d) of the statutes is amended to read:

11 106.52 (3) (d) Nothing in this subsection prohibits a domestic abuse services
12 organization, as defined in s. 995.67 (1) (b), from providing separate shelter facilities,
13 private home shelter care, advocacy, counseling or other care, treatment or services
14 for persons of different sexes or from providing for separate treatment of persons
15 based on sex with regard to the provision of shelter facilities, private home shelter
16 care, advocacy, counseling or other care, treatment or services for persons of different
17 sexes, except that no person may be denied equal access to the facilities most
18 consistent with the person's gender identity.

19 **SECTION 39.** 106.52 (3) (e) of the statutes is amended to read:

20 106.52 (3) (e) Nothing in this section prohibits a fitness center whose services
21 or facilities are intended for the exclusive use of persons of the same sex from
22 providing the use of those services or facilities exclusively to persons of that sex, from
23 denying the use of those services or facilities to persons of the opposite sex, or from
24 directly or indirectly publishing, circulating, displaying, or mailing any written
25 communication to the effect that the use of those services or facilities will be provided

SENATE BILL 362

1 exclusively to persons of the same sex and will be denied to persons of the opposite
2 sex, except that no person may be denied equal access to the facilities most consistent
3 with the person's gender identity.

4 **SECTION 40.** 106.58 of the statutes is amended to read:

5 **106.58 Discrimination in education prohibited.** No child may be excluded
6 from or discriminated against in admission to any public school or in obtaining the
7 advantages, privileges, and courses of study of ~~such a~~ public school on account of the
8 sex; race; religion or; national origin; ancestry; creed; pregnancy; marital or
9 parental status; sexual orientation, as defined in s. 111.32 (13m); gender identity or
10 gender expression, as defined in s. 111.32 (7j); or physical, mental, emotional, or
11 learning disability of the child or of the child's parent.

12 **SECTION 41.** 111.31 (1) of the statutes is amended to read:

13 111.31 (1) The legislature finds that the practice of unfair discrimination in
14 employment against properly qualified individuals by reason of their age; race;
15 creed; color; disability; marital status; sex; national origin; ancestry; sexual
16 orientation; gender identity or gender expression; arrest record; conviction record;
17 military service; use or nonuse of lawful products off the employer's premises during
18 nonworking hours; or declining to attend a meeting or to participate in any
19 communication about religious matters or political matters, substantially and
20 adversely affects the general welfare of the state. Employers, labor organizations,
21 employment agencies, and licensing agencies that deny employment opportunities
22 and discriminate in employment against properly qualified individuals solely
23 because of their age; race; creed; color; disability; marital status; sex; national
24 origin; ancestry; sexual orientation; gender identity or gender expression; arrest
25 record; conviction record; military service; use or nonuse of lawful products off the

SENATE BILL 362**SECTION 41**

1 employer's premises during nonworking hours; or declining to attend a meeting or
2 to participate in any communication about religious matters or political matters,
3 deprive those individuals of the earnings that are necessary to maintain a just and
4 decent standard of living.

5 **SECTION 42.** 111.31 (2) of the statutes is amended to read:

6 111.31 (2) It is the intent of the legislature to protect by law the rights of all
7 individuals to obtain gainful employment and to enjoy privileges free from
8 employment discrimination because of age; race; creed; color; disability; marital
9 status; sex; national origin; ancestry; sexual orientation; gender identity or
10 gender expression; arrest record; conviction record; military service; use or nonuse
11 of lawful products off the employer's premises during nonworking hours; or
12 declining to attend a meeting or to participate in any communication about religious
13 matters or political matters, and to encourage the full, nondiscriminatory utilization
14 of the productive resources of the state to the benefit of the state, the family, and all
15 the people of the state. It is the intent of the legislature in promulgating this
16 subchapter to encourage employers to evaluate an employee or applicant for
17 employment based upon the individual qualifications of the employee or applicant
18 rather than upon a particular class to which the individual may belong.

19 **SECTION 43.** 111.31 (3) of the statutes is amended to read:

20 111.31 (3) In the interpretation and application of this subchapter, and
21 otherwise, it is declared to be the public policy of the state to encourage and foster
22 to the fullest extent practicable the employment of all properly qualified individuals
23 regardless of age; race; creed; color; disability; marital status; sex; national
24 origin; ancestry; sexual orientation; gender identity or gender expression; arrest
25 record; conviction record; military service; use or nonuse of lawful products off the

SENATE BILL 362

1 employer's premises during nonworking hours,; or declining to attend a meeting or
2 to participate in any communication about religious matters or political matters.
3 Nothing in this subsection requires an affirmative action program to correct an
4 imbalance in the work force. This subchapter shall be liberally construed for the
5 accomplishment of this purpose.

6 **SECTION 44.** 111.32 (7j) of the statutes is created to read:

7 111.32 (7j) "Gender identity or gender expression" means any of the following
8 with respect to an individual, whether actual or perceived, and regardless of the
9 individual's assigned sex at birth or gender identifiers on official documents issued
10 by a federal, state, or local government agency:

- 11 (a) Gender-related identity.
- 12 (b) Gender-related appearance.
- 13 (c) Gender-related expression.
- 14 (d) Gender-related behavior.

15 **SECTION 45.** 111.321 of the statutes is amended to read:

16 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to
17 111.365, no employer, labor organization, employment agency, licensing agency, or
18 other person may engage in any act of employment discrimination as specified in s.
19 111.322 against any individual on the basis of age,; race,; creed,; color,; disability,;
20 marital status,; sex,; national origin,; ancestry,; sexual orientation; gender identity
21 or gender expression,; arrest record,; conviction record,; military service,; use or
22 nonuse of lawful products off the employer's premises during nonworking hours,; or
23 declining to attend a meeting or to participate in any communication about religious
24 matters or political matters.

25 **SECTION 46.** 111.36 (title) of the statutes is amended to read:

SENATE BILL 362**SECTION 46**

1 **111.36** (title) **Sex, sexual orientation, gender identity or gender**
2 **expression; exceptions and special cases.**

3 **SECTION 47.** 111.36 (1) (br) of the statutes is amended to read:

4 111.36 (1) (br) Engaging in harassment that consists of unwelcome verbal or
5 physical conduct directed at another individual because of that individual's gender,
6 or gender identity or gender expression, other than the conduct described in par. (b),
7 and that has the purpose or effect of creating an intimidating, hostile or offensive
8 work environment or has the purpose or effect of substantially interfering with that
9 individual's work performance. Under this paragraph, substantial interference with
10 an employee's work performance or creation of an intimidating, hostile or offensive
11 work environment is established when the conduct is such that a reasonable person
12 under the same circumstances as the employee would consider the conduct
13 sufficiently severe or pervasive to interfere substantially with the person's work
14 performance or to create an intimidating, hostile or offensive work environment.

15 **SECTION 48.** 111.36 (1) (c) of the statutes is amended to read:

16 111.36 (1) (c) Discriminating against any ~~woman~~ individual on the basis of
17 pregnancy, childbirth, ~~maternity~~ parental leave, or related medical conditions by
18 engaging in any of the actions prohibited under s. 111.322, including, but not limited
19 to, actions concerning fringe benefit programs covering illnesses and disability.

20 **SECTION 49.** 111.36 (1) (d) 1. of the statutes is amended to read:

21 111.36 (1) (d) 1. ~~For any employer, labor organization, licensing agency or~~
22 ~~employment agency or other person to refuse~~ Refusing to hire, employ, admit, or
23 license, ~~or to bar or terminate~~ any individual; barring or terminating from
24 employment, membership, or licensure any individual,; ~~or to discriminate~~
25 discriminating against an any individual in promotion, in compensation, or in the

SENATE BILL 362

1 terms, conditions, or privileges of employment because of the individual's sexual
2 orientation; ~~or~~ or gender identity or gender expression.

3 **SECTION 50.** 111.36 (1) (d) 2. of the statutes is amended to read:

4 111.36 (1) (d) 2. ~~For any employer, labor organization, licensing agency or~~
5 ~~employment agency or other person to discharge~~ Discharging or otherwise
6 discriminate discriminating against any person because ~~he or she~~ the person has
7 opposed any discriminatory practices under this paragraph or because ~~he or she~~ the
8 person has made a complaint, testified, or assisted in any proceeding under this
9 paragraph.

10 **SECTION 51.** 111.36 (2) of the statutes is amended to read:

11 111.36 (2) For the purposes of this subchapter, sex is a bona fide occupational
12 qualification if all of the members of one sex are physically incapable of performing
13 the essential duties required by a job, or if the essence of the employer's business
14 operation would be undermined if employees were not hired exclusively from one sex,
15 provided that an individual may not, for the purposes of this subsection, be treated
16 or regarded inconsistent with the individual's gender identity, or discriminated
17 against based on the individual's gender identity or gender expression.

18 **SECTION 52.** 111.70 (2) of the statutes is amended to read:

19 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right
20 of self-organization, and the right to form, join, or assist labor organizations, to
21 bargain collectively through representatives of their own choosing, and to engage in
22 lawful, concerted activities for the purpose of collective bargaining or other mutual
23 aid or protection. Municipal employees have the right to refrain from any and all
24 such activities. A general municipal employee has the right to refrain from paying
25 dues while remaining a member of a collective bargaining unit. A public safety

SENATE BILL 362**SECTION 52**

1 employee or a transit employee, however, may be required to pay dues in the manner
2 provided in a fair-share agreement; a fair-share agreement covering a public safety
3 employee or a transit employee must contain a provision requiring the municipal
4 employer to deduct the amount of dues as certified by the labor organization from the
5 earnings of the employee affected by the fair-share agreement and to pay the amount
6 deducted to the labor organization. A fair-share agreement covering a public safety
7 employee or transit employee is subject to the right of the municipal employer or a
8 labor organization to petition the commission to conduct a referendum. Such
9 petition must be supported by proof that at least 30 percent of the employees in the
10 collective bargaining unit desire that the fair-share agreement be terminated. Upon
11 so finding, the commission shall conduct a referendum. If the continuation of the
12 agreement is not supported by at least the majority of the eligible employees, it shall
13 terminate. The commission shall declare any fair-share agreement suspended upon
14 such conditions and for such time as the commission decides whenever it finds that
15 the labor organization involved has refused on the basis of race, color, sexual
16 orientation, as defined in s. 111.32 (13m), gender identity or gender expression, as
17 defined in s. 111.32 (7j), creed, or sex to receive as a member any public safety
18 employee or transit employee of the municipal employer in the bargaining unit
19 involved, and such agreement is subject to this duty of the commission. Any of the
20 parties to such agreement or any public safety employee or transit employee covered
21 by the agreement may come before the commission, as provided in s. 111.07, and ask
22 the performance of this duty.

23 **SECTION 53.** 111.81 (12) (b) of the statutes is amended to read:

24 111.81 (12) (b) Which discriminates with regard to the terms or conditions of
25 membership because of race, color, creed, sex, age, sexual orientation, as defined in

SENATE BILL 362

1 s. 111.32 (13m), gender identity or gender expression, as defined in s. 111.32 (7j), or
2 national origin.

3 **SECTION 54.** 111.85 (2) (b) of the statutes is amended to read:

4 111.85 (2) (b) The commission shall declare any fair-share or maintenance of
5 membership agreement suspended upon such conditions and for such time as the
6 commission decides whenever it finds that the labor organization involved has
7 refused on the basis of race, color, sex, sexual orientation, as defined in s. 111.32
8 (13m), gender identity or gender expression, as defined in s. 111.32 (7j), or creed to
9 receive as a member any public safety employee in the collective bargaining unit
10 involved, and the agreement shall be made subject to the findings and orders of the
11 commission. Any of the parties to the agreement, or any public safety employee
12 covered thereby, may come before the commission, as provided in s. 111.07, and
13 petition the commission to make such a finding.

14 **SECTION 55.** 118.019 (2d) of the statutes is amended to read:

15 118.019 (2d) NONDISCRIMINATION. An instructional program under this section
16 shall use instructional methods and materials that, consistent with s. 118.13 (1), do
17 not discriminate against a pupil based upon the pupil's race, gender, gender identity
18 or gender expression, as defined in s. 111.32 (7j), religion, sexual orientation, as
19 defined in s. 111.32 (13m), or ethnic or cultural background or against sexually active
20 pupils or children with disabilities. Nothing in this subsection shall be construed to
21 prohibit a school board from approving an instructional program under this section
22 that includes instruction on abstinence from sexual activity or that is
23 abstinence-centered.

24 **SECTION 56.** 118.13 (1) of the statutes is amended to read:

SENATE BILL 362**SECTION 56**

1 118.13 (1) Except as provided in s. 120.13 (37m), no person may be denied
2 admission to any public school or be denied participation in, be denied the benefits
3 of, or be discriminated against in any curricular, extracurricular, pupil services,
4 recreational, or other program or activity because of the person's sex; race; religion;
5 national origin; ancestry; creed; pregnancy; marital or parental status; sexual
6 orientation ~~or~~, as defined in s. 111.32 (13m); gender identity or gender expression, as
7 defined in s. 111.32 (7j); or physical, mental, emotional, or learning disability of the
8 person or of the person's parent.

9 **SECTION 57.** 118.20 (1) of the statutes is amended to read:

10 118.20 (1) No discrimination because of sex, except where sex is a bona fide
11 occupational qualification as defined in s. 111.36 (2); ~~race, nationality; national~~
12 ~~origin; sexual orientation, as defined in s. 111.32 (13m); gender identity or gender~~
13 ~~expression, as defined in s. 111.32 (7j); or political or religious affiliation may be~~
14 practiced in the employment of teachers or administrative personnel in public
15 schools or in their assignment or reassignment. No questions of any nature or form
16 relative to sex, except where sex is a bona fide occupational qualification, ~~as defined~~
17 ~~described in s. 111.36 (2); race, nationality; national origin; sexual orientation, as~~
18 ~~defined in s. 111.32 (13m); gender identity or gender expression, as defined in s.~~
19 ~~111.32 (7j); or political or religious affiliation may be asked applicants for teaching~~
20 or administrative positions in the public schools either by public school officials or
21 employees or by teachers agencies or placement bureaus.

22 **SECTION 58.** 118.40 (4) (b) 2. of the statutes is amended to read:

23 118.40 (4) (b) 2. Except as provided in sub. (3) (h), discriminate in admission
24 or deny participation in any program or activity on the basis of ~~a person's the~~ sex;
25 race; religion; national origin; ancestry; pregnancy; marital or parental status;

SENATE BILL 362

1 sexual orientation, as defined in s. 111.32 (13m); gender identity or gender
2 expression, as defined in s. 111.32 (7j); or physical, mental, emotional, or learning
3 disability of the person or of the person's parent.

4 **SECTION 59.** 194.025 of the statutes is amended to read:

5 **194.025 Discrimination prohibited.** No motor carrier may engage in any
6 practice, act, or omission ~~which~~ that results in discrimination on the basis of race,
7 creed, sex, sexual orientation, as defined in s. 111.32 (13m), gender identity or gender
8 expression, as defined in s. 111.32 (7j), or national origin.

9 **SECTION 60.** 224.77 (1) (o) of the statutes is amended to read:

10 224.77 (1) (o) In the course of practice as a mortgage banker, mortgage loan
11 originator, or mortgage broker, except in relation to housing designed to meet the
12 needs of elderly individuals, treat a person unequally solely because of sex, race,
13 color, handicap, sexual orientation, as defined in s. 111.32 (13m), gender identity or
14 gender expression, as defined in s. 111.32 (7j), religion, national origin, age, or
15 ancestry, the person's lawful source of income, or the sex, marital status, or status
16 as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m)
17 (u), of the person maintaining a household.

18 **SECTION 61.** 227.10 (3) (a) of the statutes is amended to read:

19 227.10 (3) (a) No rule, either by its terms or in its application, may discriminate
20 for or against any person by reason of sex, sexual orientation, as defined in s. 111.32
21 (13m), gender identity or gender expression, as defined in s. 111.32 (7j), race, creed,
22 color, ~~sexual orientation,~~ national origin, or ancestry.

23 **SECTION 62.** 230.01 (2) (b) of the statutes is amended to read:

24 230.01 (2) (b) It is the policy of this state to provide for equal employment
25 opportunity by ensuring that all personnel actions including hire, tenure or term,

SENATE BILL 362**SECTION 62**

1 and condition or privilege of employment be based on the ability to perform the duties
2 and responsibilities assigned to the particular position without regard to age, race,
3 creed or religion, color, disability, sex, national origin, ancestry, sexual orientation,
4 as defined in s. 111.32 (13m), gender identity or gender expression, as defined in s.
5 111.32 (7j), or political affiliation.

6 **SECTION 63.** 230.18 of the statutes is amended to read:

7 **230.18 Discrimination prohibited.** No question in any form of application
8 or in any evaluation used in the hiring process may be so framed as to elicit
9 information concerning the partisan political or religious opinions or affiliations of
10 any applicant nor may any inquiry be made concerning ~~such~~ those opinions or
11 affiliations and all disclosures ~~thereof~~ of those opinions or affiliations shall be
12 discountenanced except that the director may evaluate the competence and
13 impartiality of applicants for positions such as clinical chaplain in a state
14 institutional program. No discriminations may be exercised in the recruitment,
15 application, or hiring process against or in favor of any person because of the person's
16 political or religious opinions or affiliations or because of age, sex, disability, race,
17 color, sexual orientation, as defined in s. 111.32 (13m), gender identity or gender
18 expression, as defined in s. 111.32 (7j), national origin, or ancestry, except as
19 otherwise provided.

20 **SECTION 64.** 234.29 of the statutes is amended to read:

21 **234.29 Equality of occupancy and employment.** The authority shall
22 require that occupancy of housing projects assisted under this chapter be open to all
23 regardless of sex,; race,; religion,; creed,; sexual orientation, as defined in s. 111.32
24 (13m); gender identity or gender expression, as defined in s. 111.32 (7j); or status as
25 a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m)

SENATE BILL 362

1 (u), ~~or creed~~, and that contractors and subcontractors engaged in the construction of
2 economic development or housing projects, shall provide an equal opportunity for
3 employment, without discrimination as to sex, race, religion, sexual orientation, as
4 defined in s. 111.32 (13m), gender identity or gender expression, as defined in s.
5 111.32 (7j), or creed.

6 **SECTION 65.** 321.37 of the statutes is amended to read:

7 **321.37 No discrimination.** No person, otherwise qualified, may be denied
8 membership in the national guard or state defense force because of sex, color, race,
9 creed, ~~or sexual orientation~~, as defined in s. 111.32 (13m), or gender identity or
10 gender expression, as defined in s. 111.32 (7j), and no member of the national guard
11 or state defense force may be segregated within the national guard or state defense
12 force on the basis of sex, color, race, creed, ~~or sexual orientation~~, as defined in s.
13 111.32 (13m), or gender identity or gender expression, as defined in s. 111.32 (7j).
14 Nothing in this section prohibits separate facilities for persons of different sexes with
15 regard to dormitory accommodations, toilets, showers, saunas, and dressing rooms,
16 except that no person may be denied equal access to facilities most consistent with
17 the person's gender identity.

18 **SECTION 66.** 440.45 (1) of the statutes is amended to read:

19 440.45 (1) Each licensed company shall adopt a policy of nondiscrimination on
20 the basis of trip origin or destination, race, color, national origin, religious belief or
21 affiliation, sex, disability, age, sexual orientation, as defined in s. 111.32 (13m), or
22 gender identity or gender expression, as defined in s. 111.32 (7j), with respect to
23 passengers and prospective passengers and notify all of its participating drivers of
24 the nondiscrimination policy.

25 **SECTION 67.** 440.45 (2) of the statutes is amended to read:

SENATE BILL 362**SECTION 67**

1 440.45 (2) A participating driver may not discriminate against any passenger
2 or prospective passenger on the basis of destination, race, color, national origin,
3 religious belief or affiliation, sex, disability, age, sexual orientation, as defined in s.
4 111.32 (13m), or gender identity or gender expression, as defined in s. 111.32 (7j).

5 **SECTION 68.** 452.14 (3) (n) of the statutes is amended to read:

6 452.14 (3) (n) Treated any person unequally solely because of sex,_; race,_; color,_;
7 handicap, disability; national origin,_; ancestry,_; marital status,_; lawful source of
8 income,_; sexual orientation, as defined in s. 111.32 (13m); gender identity or gender
9 expression, as defined in s. 111.32 (7j); or status as a victim of domestic abuse, sexual
10 assault, or stalking, as defined in s. 106.50 (1m) (u).

11 **SECTION 69.** 625.12 (2) of the statutes is amended to read:

12 625.12 (2) CLASSIFICATION. Except as provided in s. 632.729, risks may be
13 classified in any reasonable way for the establishment of rates and minimum
14 premiums, except that no classifications may be based on race, color, creed or,
15 national origin, sexual orientation, as defined in s. 111.32 (13m), or gender identity
16 or gender expression, as defined in s. 111.32 (7j), and classifications in automobile
17 insurance may not be based on physical condition or developmental disability as
18 defined in s. 51.01 (5). Subject to ss. 632.365 and 632.729, rates thus produced may
19 be modified for individual risks in accordance with rating plans or schedules that
20 establish reasonable standards for measuring probable variations in hazards,
21 expenses, or both. Rates may also be modified for individual risks under s. 625.13
22 (2).

23 **SECTION 70.** 628.34 (3) (c) of the statutes is created to read:

24 628.34 (3) (c) No insurer may refuse to insure or refuse to continue to insure,
25 or limit the amount, extent, or kind of coverage available to an individual, or charge

SENATE BILL 362

1 an individual a different rate for the same coverage because of a person's age, sex,
2 residence, race, color, creed, religion, national origin, ancestry, marital status,
3 occupation, gender identity or gender expression, as defined in s. 111.32 (7j), or
4 sexual orientation, as defined in s. 111.32 (13m).

5 **SECTION 71.** 632.35 of the statutes is amended to read:

6 **632.35 Prohibited rejection, cancellation, and nonrenewal.** No insurer
7 may cancel or refuse to issue or renew an automobile insurance policy wholly or
8 partially because of ~~one or more of the following characteristics of any person: a~~
9 person's age, sex, residence, race, color, creed, religion, national origin, ancestry,
10 marital status or, occupation, gender identity or gender expression, as defined in s.
11 111.32 (7j), or sexual orientation, as defined in s. 111.32 (13m).

12 **SECTION 72.** 756.001 (3) of the statutes is amended to read:

13 756.001 (3) No person who is qualified and able to serve as a juror may be
14 excluded from that service in any court of this state on the basis of sex, race, color,
15 sexual orientation, as defined in s. 111.32 (13m), gender identity or gender
16 expression, as defined in s. 111.32 (7j), disability, religion, national origin, marital
17 status, family status, lawful source of income, age, or ancestry or because of a
18 physical condition.

19 (END)