

# SENATE BILL No. 1503

November 28, 2006, Introduced by Senator JOHNSON and referred to the Committee on Judiciary.

A bill to amend 1976 PA 453, entitled  
"Elliott-Larsen civil rights act,"  
by amending section 202 (MCL 37.2202), as amended by 1991 PA 11.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 202. (1) An employer shall not do any of the following:

2       (a) Fail or refuse to hire or recruit, discharge, or otherwise  
3       discriminate against an individual with respect to employment,  
4       compensation, or a term, condition, or privilege of employment,  
5       because of religion, race, color, national origin, age, sex,  
6       height, weight, or marital status.

7       (b) Limit, segregate, or classify an employee or applicant for  
8       employment in a way that deprives or tends to deprive the employee  
9       or applicant of an employment opportunity, or otherwise adversely  
10      affects the status of an employee or applicant because of religion,

1 race, color, national origin, age, sex, height, weight, or marital  
2 status.

3 (c) Segregate, classify, or otherwise discriminate against a  
4 person on the basis of sex with respect to a term, condition, or  
5 privilege of employment, including, but not limited to, a benefit  
6 plan or system. **THIS SUBDIVISION PROHIBITS AN EMPLOYER THAT IS NOT**  
7 **A RELIGIOUS EMPLOYER AND THAT PROVIDES AN OTHERWISE COMPREHENSIVE**  
8 **EMPLOYEE HEALTH PLAN FROM EXCLUDING COVERAGE FOR PRESCRIPTION**  
9 **CONTRACEPTIVE DRUGS AND SERVICES. FOR PURPOSES OF THIS SUBDIVISION,**  
10 **"RELIGIOUS EMPLOYER" MEANS A NONPROFIT ORGANIZATION, AS DEFINED IN**  
11 **SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986, 26 USC 501,**  
12 **THAT IS ESTABLISHED FOR THE PRIMARY PURPOSE OF INCULCATING**  
13 **RELIGIOUS VALUES AND THAT BOTH PRIMARILY EMPLOYS AND PRIMARILY**  
14 **SERVES INDIVIDUALS WHO SHARE THE RELIGIOUS TENETS OF THE**  
15 **ORGANIZATION.**

16 (d) Until January 1, 1994, require an employee of an  
17 institution of higher education who is serving under a contract of  
18 unlimited tenure, or similar arrangement providing for unlimited  
19 tenure, to retire from employment on the basis of the employee's  
20 age. As used in this subdivision, "institution of higher education"  
21 means a public or private university, college, community college,  
22 or junior college located in this state.

23 (2) This section shall not be construed to prohibit the  
24 establishment or implementation of a bona fide retirement policy or  
25 system that is not a subterfuge to evade the purposes of this  
26 section.

27 (3) This section does not apply to the employment of an

1 individual by his or her parent, spouse, or child.