

SENATE BILL NO. 90

February 21, 2023, Introduced by Senators ANTHONY, GEISS, SANTANA, CAVANAGH, MCCANN, MCDONALD RIVET, SHINK, KLINEFELT, HERTEL, CHANG, WOJNO, MCMORROW, CHERRY, BAYER, MOSS and POLEHANKI and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending section 103 (MCL 37.2103), as amended by 1999 PA 202.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 103. As used in this act:
- 2 (a) "Age" means chronological age except as otherwise provided
- 3 by law.
- 4 (b) "Commission" means the civil rights commission established
- 5 by section 29 of article V of the state constitution of 1963.

1 (c) "Commissioner" means a member of the commission.

2 (d) "Department" means the department of civil rights or its
3 employees.

4 (e) "Familial status" means 1 or more individuals under the
5 age of 18 residing with a parent or other person having custody or
6 in the process of securing legal custody of the individual or
7 individuals or residing with the designee of the parent or other
8 person having or securing custody, with the written permission of
9 the parent or other person. For purposes of this definition,
10 "parent" includes ~~a person~~ **an individual** who is pregnant.

11 (f) "National origin" includes the national origin of an
12 ancestor.

13 (g) "Person" means an individual, agent, association,
14 corporation, joint apprenticeship committee, joint stock company,
15 labor organization, legal representative, mutual company,
16 partnership, receiver, trust, trustee in bankruptcy, unincorporated
17 organization, ~~the~~ **this** state or a political subdivision of ~~the~~ **this**
18 state or an agency of ~~the~~ **this** state, or any other legal or
19 commercial entity.

20 (h) "Political subdivision" means a county, city, village,
21 township, school district, or special district or authority of ~~the~~
22 **this** state.

23 (i) **"Race" is inclusive of traits historically associated with**
24 **race, including, but not limited to, hair texture and protective**
25 **hairstyles. For purposes of this definition, "protective**
26 **hairstyles" includes, but is not limited to, such hairstyles as**
27 **braids, locks, and twists.**

28 (j) ~~(i)~~ Discrimination because of sex includes sexual
29 harassment. Sexual harassment means unwelcome sexual advances,

1 requests for sexual favors, and other verbal or physical conduct or
2 communication of a sexual nature under the following conditions:

3 (i) Submission to the conduct or communication is made a term
4 or condition either explicitly or implicitly to obtain employment,
5 public accommodations or public services, education, or housing.

6 (ii) Submission to or rejection of the conduct or communication
7 by an individual is used as a factor in decisions affecting the
8 individual's employment, public accommodations or public services,
9 education, or housing.

10 (iii) The conduct or communication has the purpose or effect of
11 substantially interfering with an individual's employment, public
12 accommodations or public services, education, or housing, or
13 creating an intimidating, hostile, or offensive employment, public
14 accommodations, public services, educational, or housing
15 environment.