

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2119

By: Swope

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6 AS INTRODUCED

7 An Act relating to discrimination; amending 25 O.S.
8 2021, Sections 1101, 1302, 1303, 1304, 1305, 1306,
9 and 1452, which relate to discriminatory practices;
10 modifying what constitutes a discriminatory practice;
11 and providing an effective date.

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 25 O.S. 2021, Section 1101, is
15 amended to read as follows:

16 Section 1101. A. This act provides for exclusive remedies
17 within the state of the policies for individuals alleging
18 discrimination in employment on the basis of race, color, national
19 origin, sex, gender identity, gender expression, sexual orientation,
20 religion, creed, age, disability or genetic information.

21 B. This act shall be construed according to the fair import of
22 its terms to further the general purposes stated in this section and
23 the special purposes of the particular provision involved.

1 SECTION 2. AMENDATORY 25 O.S. 2021, Section 1302, is
2 amended to read as follows:

3 Section 1302. A. It is a discriminatory practice for an
4 employer:

5 1. To fail or refuse to hire, to discharge, or otherwise to
6 discriminate against an individual with respect to compensation or
7 the terms, conditions, privileges or responsibilities of employment,
8 because of race, color, religion, sex, gender identity, gender
9 expression, sexual orientation, national origin, age, genetic
10 information or disability, unless the employer can demonstrate that
11 accommodation for the disability would impose an undue hardship on
12 the operation of the business of such employer; or

13 2. To limit, segregate, or classify an employee or applicant
14 for employment in a way which would deprive or tend to deprive an
15 individual of employment opportunities or otherwise adversely affect
16 the status of an employee, because of race, color, religion, sex,
17 gender identity, gender expression, sexual orientation, national
18 origin, age, genetic information or disability, unless the employer
19 can demonstrate that accommodation for the disability would impose
20 an undue hardship on the operation of the business of such employer.

21 B. This section does not apply to the employment of an
22 individual by his or her parents, spouse, or child or to employment
23 in the domestic service of the employer.

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1 SECTION 3. AMENDATORY 25 O.S. 2021, Section 1303, is
2 amended to read as follows:

3 Section 1303. It is a discriminatory practice for an employment
4 agency to fail or refuse to refer for employment, or otherwise to
5 discriminate against, an individual because of race, color,
6 religion, sex, gender identity, gender expression, sexual
7 orientation, national origin, age, genetic information or
8 disability, unless the agency can demonstrate that accommodation for
9 the disability would impose an undue hardship on the operation of
10 the business of such agency, or to classify or refer for employment
11 an individual on the basis of race, color, religion, sex, gender
12 identity, gender expression, sexual orientation, national origin,
13 age, genetic information or disability, unless the agency can
14 demonstrate that accommodation for the disability would impose an
15 undue hardship on the operation of the business of such agency.

16 SECTION 4. AMENDATORY 25 O.S. 2021, Section 1304, is
17 amended to read as follows:

18 Section 1304. It is a discriminatory practice for a labor
19 organization:

20 1. To exclude or to expel from membership, or otherwise to
21 discriminate against, a member or applicant for membership because
22 of race, color, religion, sex, gender identity, gender expression,
23 sexual orientation, national origin, age, genetic information or
24 disability, unless the organization can demonstrate that

1 accommodation for the disability would impose an undue hardship on
2 the operation of the business of such organization;

3 2. To limit, segregate, or classify membership, or to classify
4 or to fail or refuse to refer for employment an individual in a way:

5 a. which would deprive or tend to deprive an individual
6 of employment opportunities, or

7 b. which would limit employment opportunities or
8 otherwise adversely affect the status of an employee
9 or of an applicant for employment, because of race,
10 color, religion, sex, gender identity, gender
11 expression, sexual orientation, national origin, age,
12 genetic information or disability, unless the
13 organization can demonstrate that accommodation for
14 the disability would impose an undue hardship on the
15 operation of the business of such organization; or

16 3. To cause or attempt to cause an employer to violate Section
17 1101 et seq. of this title.

18 SECTION 5. AMENDATORY 25 O.S. 2021, Section 1305, is
19 amended to read as follows:

20 Section 1305. It is a discriminatory practice for an employer,
21 labor organization, or joint labor-management committee controlling
22 apprenticeship, on-the-job, or other training or retraining program,
23 to discriminate against an individual because of race, color,
24 religion, sex, gender identity, gender expression, sexual

1 orientation, national origin, age, genetic information or
2 disability, unless the employer, organization or committee can
3 demonstrate that accommodation for the disability would impose an
4 undue hardship on the operation of the business of such employer,
5 organization or committee, in admission to, or employment in, a
6 program established to provide apprenticeship or other training.

7 SECTION 6. AMENDATORY 25 O.S. 2021, Section 1306, is
8 amended to read as follows:

9 Section 1306. It is a discriminatory practice for an employer,
10 labor organization, or employment agency to print or publish or
11 cause to be printed or published a notice or advertisement relating
12 to employment by the employer or membership in or a classification
13 or referral for employment by the labor organization, or relating to
14 a classification or referral for employment by the employment
15 agency, indicating a preference, limitation, specification, or
16 discrimination, based on race, color, religion, sex, gender
17 identity, gender expression, sexual orientation, national origin,
18 age, genetic information or disability, unless the employer,
19 organization or agency can demonstrate that accommodation for the
20 disability would impose an undue hardship on the operation of the
21 business of such employer, organization or agency; but a notice or
22 advertisement may indicate a preference, limitation, specification,
23 or discrimination based on religion, sex, or national origin when
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1 religion, sex, or national origin is a bona fide occupational
2 qualification for employment.

3 SECTION 7. AMENDATORY 25 O.S. 2021, Section 1452, is
4 amended to read as follows:

5 Section 1452. A. It shall be an unlawful discriminatory
6 housing practice for any person, or any agent or employee of such
7 person:

8 1. To refuse to sell or rent after the making of a bona fide
9 offer, or to refuse to negotiate for the sale or rental of any
10 housing, or otherwise make unavailable or deny any housing because
11 of race, color, religion, gender, gender identity, gender
12 expression, sexual orientation, national origin, age, familial
13 status, or disability;

14 2. To discriminate against any person in the terms, conditions,
15 or privileges of sale or rental of housing, or in the provision of
16 services or facilities in connection with any housing because of
17 race, color, religion, gender, gender identity, gender expression,
18 sexual orientation, national origin, age, familial status, or
19 disability;

20 3. To make, print, publish, or cause to be made, printed, or
21 published any notice, statement, or advertisement, with respect to
22 the sale or rental of housing that indicates any preference,
23 limitation, discrimination, or intention to make any such
24 preference, limitation, or discrimination because of race, color,

1 religion, gender, gender identity, gender expression, sexual
2 orientation, national origin, age, familial status, or disability;

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

8 5. To deny any person access to, or membership or participation
9 in, a multiple-listing service, real estate brokers' organization or
10 other service, organization, or facility relating to the business of
11 selling or renting dwellings, or discriminate against a person in
12 the terms or conditions of access, membership, or participation in
13 such an organization, service, or facility because of race, color,
14 religion, gender, gender identity, gender expression, sexual
15 orientation, national origin, age, familial status, or disability;

16 6. To include in any transfer, sale, rental, or lease of
17 housing any restrictive covenant that discriminates, or for any
18 person to honor or exercise, or attempt to honor or exercise, any
19 discriminatory covenant pertaining to housing because of race,
20 color, religion, gender, gender identity, gender expression, sexual
21 orientation, national origin, age, familial status, or disability;

22 7. To refuse to consider the income of both applicants when
23 both applicants seek to buy or lease housing because of race, color,
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1 religion, gender, gender identity, gender expression, sexual
2 orientation, national origin, age, familial status, or disability;

3 8. To refuse to consider as a valid source of income any public
4 assistance, alimony, or child support, awarded by a court, when that
5 source can be verified as to its amount, length of time received,
6 regularity, or receipt because of race, color, religion, gender,
7 gender identity, gender expression, sexual orientation, national
8 origin, age, familial status, or disability;

9 9. To discriminate against a person in the terms, conditions,
10 or privileges relating to the obtaining or use of financial
11 assistance for the acquisition, construction, rehabilitation,
12 repair, or maintenance of any housing because of race, color,
13 religion, gender, gender identity, gender expression, sexual
14 orientation, national origin, age, familial status, or disability;

15 10. To discharge, demote, or discriminate in matters of
16 compensation or working conditions against any employee or agent
17 because of the obedience of the employee or agent to the provisions
18 of this section;

19 11. To solicit or attempt to solicit the listing of housing for
20 sale or lease, by door to door solicitation, in person, or by
21 telephone, or by distribution of circulars, if one of the purposes
22 is to change the racial composition of the neighborhood;

23 12. To knowingly induce or attempt to induce another person to
24 transfer an interest in real property, or to discourage another

1 person from purchasing real property, by representations regarding
2 the existing or potential proximity of real property owned, used, or
3 occupied by persons of any particular race, color, religion, gender,
4 gender identity, gender expression, sexual orientation, national
5 origin, age, familial status or disability, or to represent that
6 such existing or potential proximity shall or may result in:

- 7 a. the lowering of property values,
- 8 b. a change in the racial, religious, or ethnic character
9 of the block, neighborhood, or area in which the
10 property is located,
- 11 c. an increase in criminal or antisocial behavior in the
12 area, or
- 13 d. a decline in quality of the schools serving the area;

14 13. To refuse to rent or lease housing to a blind, deaf, or
15 disabled person on the basis of the person's use or possession of a
16 bona fide, properly trained guide, signal, or service dog;

17 14. To demand the payment of an additional nonrefundable fee or
18 an unreasonable deposit for rent from a blind, deaf, or disabled
19 person for such dog. Such blind, deaf, or disabled person may be
20 liable for any damage done to the dwelling by such dog;

21 15. a. to discriminate in the sale or rental or otherwise
22 make available or deny a dwelling to any buyer or
23 renter because of a disability of:

24 (1) that buyer or renter,

1 (2) a person residing in or intending to reside in
2 that dwelling after it is sold, rented, or made
3 available, or

4 (3) any person associated with that buyer or renter,
5 or

6 b. to discriminate against any person in the terms,
7 conditions, or privileges of sale or rental of a
8 dwelling or in the provision of services or facilities
9 in connection with the dwelling because of a
10 disability of:

11 (1) that person,

12 (2) a person residing in or intending to reside in
13 that dwelling after it is so sold, rented, or
14 made available, or

15 (3) any person associated with that person;

16 16. For purposes of disability discrimination in housing
17 pursuant to Sections 1451 through 1453 of this title, discrimination
18 includes:

19 a. a refusal to permit, at the expense of the disabled
20 person, reasonable modifications of existing premises
21 occupied or to be occupied by the person if the
22 modifications may be necessary to afford the person
23 full enjoyment of the premises, provided that such
24 person also provides a surety bond guaranteeing

1 restoration of the premises to their prior condition,
2 if necessary to make the premises suitable for
3 nondisabled tenants,

4 b. a refusal to make reasonable accommodations in rules,
5 policies, practices, or services, when the
6 accommodations may be necessary to afford the person
7 equal opportunity to use and enjoy a dwelling, or

8 c. in connection with the design and construction of
9 covered multifamily dwellings for first occupancy
10 thirty (30) months after the date of enactment of the
11 federal Fair Housing Amendments Act of 1988 (Public
12 Law 100-430), a failure to design and construct those
13 dwellings in a manner that:

14 (1) the public use and common use portions of the
15 dwellings are readily accessible to and usable by
16 disabled persons,

17 (2) all the doors designed to allow passage into and
18 within all premises within the dwellings are
19 sufficiently wide to allow passage by disabled
20 persons in wheelchairs, and

21 (3) all premises within the dwellings contain the
22 following features of adaptive design:

23 (a) an accessible route into and through the
24 dwelling,

- (b) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations,
- (c) reinforcements in bathroom walls to allow later installation of grab bars, and
- (d) usable kitchen and bathrooms so that an individual in a wheelchair can maneuver about the space,

(4) compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people, commonly cited as "ANSI A 117.1", suffices to satisfy the requirements of division (3) of this subparagraph,

(5) as used in this subsection, the term "covered multifamily dwellings" means:

- (a) buildings consisting of four or more units if the buildings have one or more elevators, and
- (b) ground floor units in other buildings consisting of four or more units,

(6) nothing in this subsection requires that a dwelling be made available to an individual whose

1 tenancy would constitute a direct threat to the
2 health or safety of other individuals or whose
3 tenancy would result in substantial physical
4 damage to the property of others; or

5 17. a. A person whose business includes engaging in
6 residential real estate related transactions may not
7 discriminate against a person in making a real estate
8 related transaction available or in the terms or
9 conditions of a real estate related transaction
10 because of race, color, religion, gender, gender
11 identity, gender expression, sexual orientation,
12 disability, familial status, national origin or age.

13 b. In this section, "residential real estate related
14 transaction" means:

15 (1) making or purchasing loans or providing other
16 financial assistance:

17 (a) to purchase, construct, improve, repair, or
18 maintain a dwelling, or

19 (b) to secure residential real estate, or

20 (2) selling, brokering, or appraising residential
21 real property.

22 B. This section does not prohibit discrimination against a
23 person because the person has been convicted under federal law or
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1 the law of any state of the illegal manufacture or distribution of a
2 controlled substance.

3 C. No other categories or classes of persons are protected
4 pursuant to Sections 1451 through 1453 of this title. The Attorney
5 General's Office of Civil Rights Enforcement shall have no authority
6 or jurisdiction to act on complaints based on any kind of
7 discrimination other than those kinds of discrimination prohibited
8 pursuant to Section 1101 et seq. of this title or any other
9 specifically authorized by law.

10 SECTION 8. This act shall become effective November 1, 2023.

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12 59-1-6730 CMA 01/18/23

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