

1 **BOARD BILL NO. 203CS**

INTRODUCED BY:

2 **ALDERWOMAN MEGAN-ELLYIA GREEN**

3 **AND ALDERMEN AND ALDERWOMEN INGRASSIA, SPENCER,**

4 **COHN, AND CARTER**

5 An ordinance to prohibit discrimination based on a person's reproductive health
6 decisions or pregnancy; and containing a severability clause and an emergency clause.

7 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

8 **SECTION ONE.** Definition of Terms.

9 As used in this ordinance, unless a different meaning clearly appears from the
10 context in which used, the following terms and phrases shall be taken to have the
11 meaning ascribed to them in this section, to wit:

12 (1) "Academic, professional or vocational school" includes any person who
13 trains and teaches individuals to engage in any trade, business, profession, calling or
14 vocational pursuit.

15 (2) "Adverse employment action" includes, but is not limited to, termination,
16 demotion or refusal to promote or advance, loss of career specialty, reassignment to a
17 different shift, reduction of wages or benefits, refusal to provide training opportunities or
18 transfer to a different department, adverse administrative action, or any other penalty,
19 disciplinary or retaliatory action.

20 (3) "Aggrieved person" includes any person who claims to have been injured
21 by a discriminatory act or practice described herein.

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1 (4) "Discriminatory practice" means an act that is prohibited by the provisions
2 of this ordinance.

3 (5) "Dwelling" means any building, structure, or portion thereof which is
4 occupied as, or designed or intended for occupancy as, a residence by one or more
5 families, and any vacant land which is offered for sale or lease for the construction or
6 location thereon of any such building, structure, or portion thereof.

7 (6) "Employer" includes any person who employs six or more persons
8 exclusive of that person's parents, spouse or children.

9 (7) "Employment agency" includes any person undertaking for compensation to
10 procure opportunities to work or to procure, recruit, refer or place employees.

11 (8) "Financial Institution" means bank, banking organization, mortgage
12 company, insurance company, investment company or other lender to whom application
13 is made for financial assistance for the purchase, lease, acquisition, construction,
14 rehabilitation, repair, maintenance, or improvement of real property, or an individual
15 employed by or acting on behalf of or as agent of any of these.

16 (9) "Individual" means one or more individuals.

17 (10) "Labor organization" includes any organization which exists for the
18 purpose, in whole or in part, of collective bargaining or of dealing with employers
19 concerning grievances, terms or conditions of employment, or for other mutual aid or
20 protection in relation to employment.

21 (11) "Person" includes one or more individuals, partnerships, associations,
22 unincorporated organizations, corporations, mutual companies, joint stock companies,

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1 legal representatives, trusts, trustees, labor organizations, fiduciaries, trustees in
2 bankruptcy, and/or receivers.

3 (12) "Real Estate Broker" or "Real Estate Salesman" has the same definition as
4 contained in Ordinance 67119.

5 (13) "Realty" includes real estate, lands, buildings, structures, housing
6 accommodations, dwellings, tenements, leaseholds, cooperatives, condominiums, and
7 hereditaments, corporeal or incorporeal, or any interest in the above.

8 (14) "Reproductive health decision" means any decision related to the use or
9 intended use of a particular drug, device, or medical service related to reproductive
10 health, including the use or intended use of contraception or fertility control or the
11 planned or intended initiation or termination of a pregnancy.

12 (15) "To rent" includes to lease, to sublease, to let and otherwise to grant for a
13 consideration the right to occupy premises not owned by the occupant.

14 **SECTION TWO. Prohibited Discriminatory Practices.**

15 (A) Discriminatory practices, as defined and established by this section, are
16 prohibited. Any person engaging in a prohibited discriminatory practice shall be guilty of
17 an ordinance violation, which shall be punishable in the manner set out in this ordinance.

18 (B) **DISCRIMINATION IN EMPLOYMENT.** It shall be a prohibited
19 discriminatory employment practice:

20 (1) For an employer to fail or refuse to hire, to discharge or otherwise to
21 discriminate against any individuals with respect to compensation or the terms,
22 conditions or privileges of employment, because of their reproductive health decisions or

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1 pregnancy status (including childbirth or a related medical condition). However, nothing
2 in this ordinance shall require a religious institution, corporation, association, or society
3 to provide reproductive health benefits of any kind;

4 (2) For an employer to take any adverse employment action against an
5 employee based on a reproductive health decision by an employee or employee's
6 dependent. However, nothing in this ordinance shall require a religious institution,
7 corporation, association, or society to provide reproductive health benefits of any kind;

8 (3) For a labor organization to exclude or expel from membership, or
9 otherwise to discriminate against any applicants or members, because of their
10 reproductive health decisions or pregnancy status (including childbirth or a related
11 medical condition);

12 (4) For an employment agency to fail or refuse to refer for employment, or
13 otherwise to discriminate against any individuals because of their reproductive health
14 decisions or pregnancy status (including childbirth or a related medical condition);

15 (5) For an employer, labor organization or employment agency to print or
16 circulate or cause to be printed or circulated, any statement, advertisement or publication,
17 or to make any inquiry in connection with prospective employment, which expresses
18 directly or indirectly any preference, limitation, specification or discrimination because of
19 reproductive health decisions or pregnancy status (including childbirth or a related
20 medical condition), unless based upon a bona fide occupational qualification.

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1 (6) Nothing in this Ordinance shall prohibit a religious institution,
2 corporation, association, society, health care facility or educational institution with
3 historic religious affiliation from:

- 4 i. Prohibiting the provision of any reproductive health service on property
5 owned or leased by it;
- 6 ii. Refusing to provide or pay for any reproductive health service to any
7 patient, student or employee; or
- 8 iii. Refusing to provide health insurance coverage to any employee for any
9 reproductive health service.

10
11 (C) DISCRIMINATION IN PROVISION OF HOUSING OR REALTY.

12 (1) Prohibited Discriminatory Housing or Realty Practices. It shall be a
13 prohibited housing or realty practice and shall constitute a discriminatory housing
14 practice:

15 (a) For any person, including, without limitation any real estate broker,
16 salesman or agent, or any employee thereof, to discriminate against any individuals
17 because of their reproductive health decisions or pregnancy status (including childbirth or
18 a related medical condition), with respect to the use, enjoyment or transfer, or prospective
19 use, enjoyment or transfer, of any interest whatsoever in realty, or with respect to the
20 terms, conditions, privileges or services granted or rendered in connection therewith, or
21 with respect to the making or purchasing of loans for the purchase or maintenance of
22 residential real estate or loans in the secondary market, or the provision of other financial

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1 assistance, or with respect to the terms, conditions, privileges or services granted or
2 rendered in connection with any interest whatsoever in realty, or with respect to the
3 making of loans secured by residential real estate;

4 (b) For any person, including, without limitation, any banking, money
5 lending, credit securing or other financial institution, or any officer, agent or employee
6 thereof, to discriminate against any individuals because of or their reproductive health
7 decisions or pregnancy status (including childbirth or a related medical condition), with
8 respect to the granting or withholding of credit or financial assistance, or the extending or
9 renewing of credit or financial assistance, or modifying of rates, terms, conditions,
10 privileges or other provisions of credit or financial assistance, or services retained or
11 rendered, in connection with the transfer or prospective transfer of any interest
12 whatsoever in realty, or in connection with the construction, repair, improvement or
13 rehabilitation of realty;

14 (c) For any real estate broker, salesman or agent, or any employee thereof,
15 or any other person seeking financial gain thereby, directly or indirectly to induce or
16 solicit, or attempt to induce or solicit, the transfer of any interest whatsoever in realty, by
17 making or distributing, or causing to be made or distributed, any statement or
18 representation concerning the entry or prospective entry into the neighborhood of a
19 person or persons of person based on said person's reproductive health decision or
20 pregnancy status (including childbirth or a related medical condition);

21 (d) For any person to refuse to sell or rent after the making of a bona fide
22 offer, or to refuse to negotiate the sale or rental of, or otherwise make unavailable or deny

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1 a dwelling to any persons because of their reproductive health decisions or pregnancy
2 status (including childbirth or a related medical condition):

3 (e) For any person to discriminate against any other person in the terms,
4 conditions, or privileges of sale or rental of a dwelling, or in the provision of services or
5 facilities in connection therewith, because of that person's reproductive health decisions
6 or pregnancy status (including childbirth or a related medical condition);

7 (f) For any person to make, print, or publish, or cause to be made, printed,
8 or published any notice, statement, or advertisement, with respect to the sale or rental of a
9 dwelling that indicates any preference, limitation, or discrimination based on
10 reproductive health decisions or pregnancy status (including childbirth or a related
11 medical condition) or an intention to make any such preference, limitation, or
12 discrimination;

13 (g) For any person to represent to another person because of reproductive
14 health decisions or pregnancy status (including childbirth or a related medical condition),
15 that any dwelling is not available for inspection, sale, or rental when such dwelling is, in
16 fact, so available;

17 (h) For any person to deny any other person access to or membership or
18 participation in any multiple-listing service, real estate brokers' organization or other
19 service, organization or facility relating to the business of selling or renting dwellings, or
20 to discriminate against him in the terms or conditions of such access, membership, or
21 participation on account of reproductive health decisions or pregnancy status (including
22 childbirth or a related medical condition).

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1 (i) Notwithstanding the foregoing, a person engaged in the business of
2 furnishing appraisals of real property may take into consideration factors other than
3 reproductive health decisions or pregnancy status, subject also to the requirements of
4 Ordinance 67119.

5 (j) Nothing in this ordinance shall prohibit a religious institution, corporation,
6 association, society, health care facility or educational institution with historic religious
7 affiliation from:

- 8 i. Prohibiting the provision of any reproductive health
9 service on property owned or leased by it;
- 10 ii. Refusing to provide or pay for any reproductive health
11 service to any patient, student or employee; or
- 12 iii. Refusing to provide health insurance coverage to any
13 employee for any reproductive health service.

14 **SECTION THREE.** Complaints, Proceedings and Enforcement. An aggrieved
15 person may, not later than one hundred eighty (180) days after an alleged prohibited
16 discriminatory practice has occurred or terminated, file a complaint with the Director of
17 the Civil Rights Enforcement Agency pursuant to the procedures set forth in Ordinance
18 67119. Such complaints shall be taken, investigated, processed and enforced according to
19 the terms and provisions of Ordinance 67119.

20 **SECTION FOUR.** The terms and provisions of this ordinance are not intended
21 to, and shall not be construed to, limit or alter any individual's rights or remedies for sex
22 discrimination under existing federal, state, and local laws.

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1 **SECTION FIVE.** Severability Clause.

2 The provisions of this ordinance shall be severable. In the event that any provision
3 of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the
4 remaining provisions of this ordinance are valid unless the court finds the valid
5 provisions of this ordinance are so essentially and inseparably connected with, and so
6 dependent upon, the void provision that it cannot be presumed that the Board of
7 Aldermen would have enacted the valid provisions without the void ones or unless the
8 Court finds that the valid provisions, standing alone, are incomplete and incapable of
9 being executed in accordance with the legislative intent.

10 **SECTION SIX.** Emergency Clause.

11 This being an ordinance for the preservation of public peace, health and safety, it
12 is hereby declared to be an emergency measure within the meanings of Sections 19 and
13 20 of article IV of the Charter of the City of St. Louis and therefore shall become
14 effective immediately upon its passage and approval by the Mayor.

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