BOARD BILL NO. 203CS

INTRODUCED BY:

ALDERWOMAN MEGAN-ELLYIA GREEN

AND ALDERMEN AND ALDERWOMEN INGRASSIA, SPENCER,

COHN, AND CARTER

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

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

SECTION ONE. Definition of Terms.

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

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

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

(3) "Aggrieved person" includes any person who claims to have been injured
by a discriminatory act or practice described herein.
(4) "Discriminatory practice" means an act that is prohibited by the provisions of this ordinance.

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

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

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

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

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

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

(11) "Person" includes one or more individuals, partnerships, associations, unincorporated organizations, corporations, mutual companies, joint stock companies,
(12) "Real Estate Broker" or "Real Estate Salesman" has the same definition as contained in Ordinance 67119.

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

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

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

**SECTION TWO.** Prohibited Discriminatory Practices.

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

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

(1) For an employer to fail or refuse to hire, to discharge or otherwise to discriminate against any individuals with respect to compensation or the terms, conditions or privileges of employment, because of their reproductive health decisions or
pregnancy status (including childbirth or a related medical condition). However, nothing
in this ordinance shall require a religious institution, corporation, association, or society
to provide reproductive health benefits of any kind;

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

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

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

(5) For an employer, labor organization or employment agency to print or
circulate or cause to be printed or circulated, any statement, advertisement or publication,
or to make any inquiry in connection with prospective employment, which expresses
directly or indirectly any preference, limitation, specification or discrimination because of
reproductive health decisions or pregnancy status (including childbirth or a related
medical condition), unless based upon a bona fide occupational qualification.
(6) Nothing in this Ordinance shall prohibit a religious institution, corporation, association, society, health care facility or educational institution with historic religious affiliation from:

i. Prohibiting the provision of any reproductive health service on property owned or leased by it;

ii. Refusing to provide or pay for any reproductive health service to any patient, student or employee; or

iii. Refusing to provide health insurance coverage to any employee for any reproductive health service.

(C) DISCRIMINATION IN PROVISION OF HOUSING OR REALTY.

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

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

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

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

(d) For any person to refuse to sell or rent after the making of a bona fide
offer, or to refuse to negotiate the sale or rental of, or otherwise make unavailable or deny
a dwelling to any persons because of their reproductive health decisions or pregnancy
status (including childbirth or a related medical condition):

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

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

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

(h) For any person to deny any other person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation on account of reproductive health decisions or pregnancy status (including childbirth or a related medical condition).
(i) Notwithstanding the foregoing, a person engaged in the business of furnishing appraisals of real property may take into consideration factors other than reproductive health decisions or pregnancy status, subject also to the requirements of Ordinance 67119.

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

i. Prohibiting the provision of any reproductive health service on property owned or leased by it;

ii. Refusing to provide or pay for any reproductive health service to any patient, student or employee; or

iii. Refusing to provide health insurance coverage to any employee for any reproductive health service.

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

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

February 1, 2017
Page 8 of 9
Board Bill No. 203 Committee Substitute

Sponsored by Alderwoman Megan-Ellyia Green and Alderwomen and Aldermen Ingrassia, Spencer, Cohn, and Carter
SECTION FIVE. Severability Clause.

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

SECTION SIX. Emergency Clause.

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