

SENATE BILL No. 36

By Committee on Federal and State Affairs

1-17

1 AN ACT concerning the Kansas act against discrimination; relating to
2 ancestry; including hair texture and protective hairstyles in the
3 definition thereof; amending K.S.A. 44-1002 and 44-1015 and
4 repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 44-1002 is hereby amended to read as follows: 44-
8 1002. When used in ~~this act~~ *the Kansas act against discrimination:*

9 (a) "Person" includes one or more individuals, partnerships,
10 associations, organizations, corporations, legal representatives, trustees,
11 trustees in bankruptcy or receivers.

12 (b) "Employer" includes any person in this state employing four or
13 more persons and any person acting directly or indirectly for an employer,
14 labor organizations, nonsectarian corporations, organizations engaged in
15 social service work and the state of Kansas and all political and municipal
16 subdivisions thereof; ~~but shall~~ *"Employer" does not include a nonprofit*
17 *fraternal or social association or corporation.*

18 (c) "Employee" does not include any individual employed by such
19 individual's parents, spouse or child or in the domestic service of any
20 person.

21 (d) "Labor organization" includes any organization ~~which~~ *that* exists
22 for the purpose, in whole or in part, of collective bargaining, of dealing
23 with employers concerning grievances, terms or conditions of employment
24 or of other mutual aid or protection in relation to employment.

25 (e) "Employment agency" includes any person or governmental
26 agency undertaking, with or without compensation, to procure
27 opportunities to work or to procure, recruit, refer or place employees.

28 (f) "Commission" means the Kansas human rights commission
29 created by ~~this act~~ *K.S.A. 44-1003, and amendments thereto.*

30 (g) "Unlawful employment practice" includes only those unlawful
31 practices and acts specified in K.S.A. 44-1009, and amendments thereto,
32 and includes segregate or separate.

33 (h) "Public accommodations" means any person who caters or offers
34 goods, services, facilities and accommodations to the public. Public
35 accommodations include, but are not limited to, any lodging establishment
36 or food service establishment, as defined by K.S.A. 36-501, and

1 amendments thereto; any, bar, tavern, barbershop, beauty parlor, theater,
 2 skating rink, bowling alley, billiard parlor, amusement park, recreation
 3 park, swimming pool, lake, gymnasium, mortuary or cemetery ~~which~~ *that*
 4 is open to the public; or any public transportation facility. "Public
 5 accommodations ~~do~~ *does* not include a religious or nonprofit fraternal or
 6 social association or corporation.

7 (i) "Unlawful discriminatory practice" means:

8 (1) Any discrimination against persons, by reason of their race,
 9 religion, color, sex, disability, national origin or ancestry:

10 (A) In any place of public accommodations; or

11 (B) in the full and equal use and enjoyment of the services, facilities,
 12 privileges and advantages of any institution, department or agency of the
 13 state of Kansas or any political subdivision or municipality thereof; and

14 (2) any discrimination against persons in regard to membership in a
 15 nonprofit recreational or social association or corporation by reason of
 16 race, religion, ~~sex~~, color, *sex*, disability, national origin or ancestry if such
 17 association or corporation has 100 or more members and:

18 (A) Provides regular meal service; and

19 (B) receives payment for dues, fees, use of space, use of facility,
 20 services, meals or beverages, directly or indirectly, from or on behalf of
 21 nonmembers.

22 This term shall not apply to a religious or private fraternal and
 23 benevolent association or corporation.

24 (j) (1) "Disability" means, with respect to an individual:

25 ~~(+)~~(A) A physical or mental impairment that substantially limits one
 26 or more of the major life activities of such individual;

27 ~~(-)~~(B) a record of such an impairment; or

28 ~~(-)~~(C) being regarded as having such an impairment.

29 (2) "Disability" does not include current, illegal use of a controlled
 30 substance as defined in section 102 of the federal controlled ~~substance~~
 31 *substances* act ~~(, 21 U.S.C. § 802)~~, in housing discrimination. In
 32 employment and public accommodation discrimination, "disability" does
 33 not include an individual who is currently engaging in the illegal use of
 34 drugs where possession or distribution of such drugs is unlawful under the
 35 *federal controlled-substance substances* act ~~(, 21 U.S.C. § 812)~~, when the
 36 covered entity acts on the basis of such use.

37 (k) (1) "Reasonable accommodation" means:

38 (A) Making existing facilities used by employees readily accessible
 39 to and usable by individuals with disabilities; and

40 (B) job restructuring; part-time or modified work schedules;
 41 reassignment to a vacant position; acquisition or modification of
 42 equipment or devices; appropriate adjustment or modifications of
 43 examinations, training materials or policies; provision of qualified readers

1 or interpreters; and other similar accommodations for individuals with
2 disabilities.

3 (2) A reasonable accommodation or a reasonable modification to
4 policies, practices or procedures need not be provided to an individual who
5 meets the definition of disability in ~~K.S.A. 44-1002(j)(3), and amendments~~
6 ~~thereto~~ *subsection (j)(1)(C)*.

7 (l) "Regarded as having such an impairment" means the absence of a
8 physical or mental impairment but regarding or treating an individual as
9 though such an impairment exists. An individual meets the requirement of
10 "being regarded as having such an impairment" if the individual
11 establishes that such individual has been subjected to an action prohibited
12 under this act because of an actual or perceived physical or mental
13 impairment whether or not the impairment limits or is perceived to limit a
14 major life activity. ~~Subsection—(j)(3)~~ *(j)(1)(C)* shall not apply to
15 impairments that are transitory or minor. A transitory impairment is an
16 impairment with an actual or expected duration of six months or less.

17 (m) "Major life activities" ~~means:~~

18 ~~(1) Major life activities include~~ *includes*, but ~~are~~ *is* not limited to,
19 caring for oneself, performing manual tasks, seeing, hearing, eating,
20 sleeping, walking, standing, lifting, bending, speaking, breathing, learning,
21 reading, concentrating, thinking, communicating; and working.

22 ~~(2) It~~ *"Major life activities"* also includes the operation of a major
23 bodily function, including, but not limited to, functions of the immune
24 system, normal cell growth, digestive, bowel, bladder, neurological, brain,
25 respiratory, circulatory, endocrine and reproductive functions.

26 (n) "Genetic screening or testing" means a laboratory test of a
27 person's genes or chromosomes for abnormalities, defects or deficiencies,
28 including carrier status, that are linked to physical or mental disorders or
29 impairments, or that indicate a susceptibility to illness, disease or other
30 disorders, whether physical or mental, which test is a direct test for
31 abnormalities, defects or deficiencies, and not an indirect manifestation of
32 genetic disorders.

33 (o) *"Ancestry"* is inclusive of traits historically associated with a
34 person's ancestry, including, but not limited to, hair texture and protective
35 hairstyles.

36 (p) *"Protective hairstyles"* includes, but is not limited to, such
37 hairstyles as braids, locs and twists.

38 Sec. 2. K.S.A. 44-1015 is hereby amended to read as follows: 44-
39 1015. As used in ~~this act~~ *K.S.A. 44-1015 through 44-1029, and*
40 *amendments thereto*, unless the context otherwise requires:

41 (a) "Commission" means the Kansas human rights commission.

42 (b) "Real property" means and includes:

43 (1) All vacant or unimproved land; and

1 (2) any building or structure ~~which~~ *that* is occupied or designed or
2 intended for occupancy; or any building or structure having a portion
3 thereof ~~which~~ *that* is occupied or designed or intended for occupancy.

4 (c) "Family" includes a single individual.

5 (d) "Person" means an individual, corporation, partnership,
6 association, labor organization, legal representative, mutual company,
7 joint-stock company, trust, unincorporated organization, trustee, trustee in
8 bankruptcy, receiver ~~and~~ *or* fiduciary.

9 (e) "To rent" means to lease, to sublease, to let and otherwise to grant
10 for a consideration the right to occupy premises not owned by the
11 occupant.

12 (f) "Discriminatory housing practice" means any act that is unlawful
13 under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto.

14 (g) "Person aggrieved" means any person who claims to have been
15 injured by a discriminatory housing practice or believes that such person
16 will be injured by a discriminatory housing practice that is about to occur.

17 (h) "*Ancestry*" and "disability" ~~has the meaning provided by mean~~
18 *the same as defined in K.S.A. 44-1002, and amendments thereto.*

19 (i) "Familial status" means having one or more individuals less than
20 18 years of age domiciled with:

21 (1) A parent or another person having legal custody of such
22 individual or individuals; or

23 (2) the designee of such parent or other person having such custody,
24 with the written permission of such parent or other person.

25 Sec. 3. K.S.A. 44-1002 and 44-1015 are hereby repealed.

26 Sec. 4. This act shall take effect and be in force from and after its
27 publication in the statute book.