Discrimination.

Sponsored by: Senator(s) Rothfuss, Burns, Christensen, Coe, Nicholas, P., Pappas, Von Flatern and Wasserburger and Representative(s) Brown, Connolly, Lockhart, Madden, Paxton, Petroff and Zwonitzer, Dn.

A BILL

for

AN ACT relating to discrimination; prohibiting discrimination based on sexual orientation or gender identity as specified; providing an exception; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 6-9-104, 6-9-105 and 27-1-116 are created to read:

6-9-104. Religious exemption.
(a) With respect to sexual orientation and gender identity, nothing in this article or any other provision of law related to discrimination in employment shall apply to:

(i) A religious organization; or

(ii) An expressive association:

(A) Whose primary purpose and function are grounded in religious teachings;

(B) Which is not organized for private profit;

(C) Whose employment activities would otherwise be subject to this article; and

(D) Whose right of expressive association under the first amendment of the United States constitution would be significantly burdened by application of this article or by any other provisions of law related to discrimination in employment.
6-9-105. Definitions.

(a) As used in W.S. 6-9-101 through 6-9-105:

(i) "Gender identity" means an individual's actual or perceived gender, appearance, mannerisms or other characteristics with or without regard to the individual's sex at birth;

(ii) "Religious organization" means a religious corporation, association, educational institution, society, trust or any entity or association which is a wholly owned or controlled subsidiary or agency of any religious corporation, association, society, trust or corporation sole;

(iii) "Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual or bisexual.


(a) As used in this title:
Section 2. W.S. 1-11-101(b), 6-9-101(a), 6-9-102(a), 9-2-1022(a)(v), 14-4-201(f), 19-14-107(a), 21-3-304(c), 21-4-302(d), 21-4-303, 21-7-302, 27-4-302(a)(intro) and (iv), 27-9-105(a)(i), (ii) and by creating new subsections (e) and (f), 35-1-620(b)(viii), 35-4-131(b)(intro) and 42-4-107(b) are amended to read:


(b) No citizen shall be excluded from service as a juror on account of race, color, religion, sex, sexual orientation or gender identity, age, national origin or economic status.
6-9-101. Equal enjoyment of public accommodations and facilities; penalties.

(a) All persons of good deportment are entitled to the full and equal enjoyment of all accommodations, advantages, facilities and privileges of all places or agencies which are public in nature, or which invite the patronage of the public, without any distinction, discrimination or restriction on account of race, religion, color, sex, sexual orientation or gender identity or national origin.

6-9-102. Discrimination prohibited; penalties.

(a) No person shall be denied the right to life, liberty, pursuit of happiness or the necessities of life because of race, color, sex, sexual orientation or gender identity, creed or national origin.

9-2-1022. Duties of department performed through human resources division.
(a) Subject to subsection (b) of this section, the department through the human resources division shall:

(v) Maintain a register of applications made by all persons seeking employment with an agency. Each application shall be rated on the basis of suitability and qualifications without regard to political affiliation, race, color, sex, sexual orientation or gender identity, creed or age;

14-4-201. Quality child care system established.

(f) In the delivery of services, facilities that receive funds under this article shall not discriminate against any individual on the basis of sex, sexual orientation or gender identity, color, race, religion, national origin, disability or age other than the age of the qualifying child. Notwithstanding this subsection, facilities shall retain the ability to refer children with developmental disabilities to appropriate services.

19-14-107. Creation of veterans' commission; composition; terms.
(a) A Wyoming veterans' commission is created within the military department consisting of twelve (12) members, not less than one (1) of whom shall reside in each judicial district identified in W.S. 5-3-101, appointed by the governor for staggered terms of three (3) years. Commencing with initial appointments made in 2005, four (4) members of the board shall be appointed for a term of one (1) year, four (4) members for a term of two (2) years and four (4) members for a term of three (3) years. Terms thereafter shall be three (3) years and staggered with one-third (1/3) of the members' terms expiring each year. Appointments shall be made without regard to political affiliation, sex, sexual orientation or gender identity, religion or ethnic background. The governor may remove any member as provided in W.S. 9-1-202. A chairman shall be elected by the commission from among its members and a new chairman elected every two (2) years thereafter.

21-3-304. Charter school; requirements; authority.

(c) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting
discrimination on the basis of disability, race, creed, color, gender, sexual orientation or gender identity, national origin, religion, ancestry or need for special education services. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application. Enrollment decisions shall not discriminate against at-risk students or special program students.

21-4-302. Age for registration in first grade and kindergarten; preschool programs.

(d) A program shall not discriminate in enrollment on the basis of sex, sexual orientation or gender identity, race, religion or national origin.

21-4-303. Right not denied on account of sex, race or religion.

No child shall be denied the right to attend the public schools of this state on account of sex, sexual orientation or gender identity, race, or religion.
21-7-302. Discrimination in compensation prohibited.

No discrimination in the amount of compensation for the teachers in the public schools of this state shall be made on account of sex, sexual orientation or gender identity, race or religious belief.

27-4-302. Prohibition on paying employees less for same work.

(a) No employer shall discriminate, within the same establishment in which the employees are employed, between employees on the basis of gender, gender identity or sexual orientation by paying wages to employees at a rate less than the rate at which the employer pays wages to employees of the opposite gender, gender identity or sexual orientation for equal work on jobs the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions, except where the payment is made pursuant to:

(iv) A differential based on any other factor other than gender, gender identity or sexual orientation.
27-9-105. Discriminatory and unfair employment practices enumerated; limitations.

(a) It is a discriminatory or unfair employment practice:

(i) For an employer to refuse to hire, to discharge, to promote or demote, or to discriminate in matters of compensation or the terms, conditions or privileges of employment against, a qualified disabled person or any person otherwise qualified, because of age, sex, sexual orientation or gender identity, race, creed, color, national origin, ancestry or pregnancy;

(ii) For a person, an employment agency, a labor organization, or its employees or members, to discriminate in matters of employment or membership against any person, otherwise qualified, because of age, sex, sexual orientation or gender identity, race, creed, color, national origin, ancestry or pregnancy, or a qualified disabled person;
(e) The following shall be exempt under this article from employment practices relating to sexual orientation and gender identity:

(i) A religious organization; or

(ii) An expressive association:

(A) Whose primary purpose and function are grounded in religious teachings;

(B) Which is not organized for private profit;

(C) Whose employment activities would otherwise be subject to this article; and

(D) Whose right of expressive association under the first amendment of the United States constitution would be significantly burdened by application of this article or by any other provisions of law related to discrimination in employment.
(f) Nothing in this article shall be interpreted to require an employer subject to this article to give preferential treatment to any employee or applicant for employment because of the employee's or applicant's sexual orientation or gender identity on account of any imbalance in the total number or percentage of employees of a specific sexual orientation or gender identity employed by the employer or otherwise admitted to membership or classified by any labor organization or admitted to or employed in, any apprenticeship or other training program.

35-1-620. Powers and duties of department and its divisions.

(b) The department shall:

(viii) Prescribe conditions of eligibility for funding under this act so that no person shall be denied services on the basis of race, creed, color, national origin, sexual orientation or gender identity or inability to pay.
35-4-131. Consent of minors to treatment; treatment of infected or exposed persons; immunity from liability.

(b) For the protection of public health, a physician, health officer or other person or facility providing health care in accordance with state or federal law shall for any individual regardless of age, sex, sexual orientation or gender identity, race or color:

42-4-107. Uniform application throughout state; discrimination prohibited; pilot projects authorized.

(b) The provision of medical assistance to any applicant or qualified recipient shall not be denied or delayed and the administration of this chapter shall not otherwise discriminate against any applicant or recipient on the basis of race, creed, color, national origin, sex, sexual orientation or gender identity, or mental or physical handicap.

Section 3. This act is effective July 1, 2015.