

SENATE FILE NO. SF0115

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

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

5

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

7

8 **Section 1.** W.S. 6-9-104 is created to read:

9

10 **6-9-104. Religious exemption.**

11

12 (a) Nothing in this article or any other provision of  
13 law related to discrimination in employment shall be deemed  
14 to apply to any of the employment practices of a religious

1 corporation, association, educational institution or  
2 society which has as its primary purpose religious ritual  
3 or worship or the teaching or spreading of religious  
4 doctrine or belief.

5

6 (b) For any religious corporation, association,  
7 educational institution or society that is not wholly  
8 exempt under subsection (a) of this section, this article  
9 or any other provision of law related to discrimination in  
10 employment shall not apply with respect to the employment  
11 of individuals whose duties are ministerial, in that they  
12 consist of teaching or spreading religious doctrine or  
13 belief, religious governance, supervision of a religious  
14 order, supervision of persons teaching or spreading  
15 religious doctrine or belief or supervision or  
16 participation in religious ritual or worship.

17

18 (c) Nothing in this article or any other provision of  
19 law related to discrimination shall be construed to limit  
20 the rights available to a religious corporation,  
21 association, educational institution or society under any  
22 federal law that establishes protections for freedom of  
23 speech and free exercise of religion, including legal

1 standards and rights available under the first amendment to  
2 the United States Constitution.

3

4 **Section 2.** W.S. 1-11-101(b), 6-9-101(a), 6-9-102(a),  
5 9-2-1022(a)(v), 14-4-201(f), 19-14-107(a), 21-3-304(c),  
6 21-4-302(d), 21-4-303, 21-7-302, 27-4-302(a)(intro) and  
7 (iv), 27-9-105(a)(i) and (ii), 35-1-620(b)(viii),  
8 35-4-131(b)(intro) and 42-4-107(b) are amended to read:

9

10 **1-11-101. Qualifications of juror.**

11

12 (b) No citizen shall be excluded from service as a  
13 juror on account of race, color, religion, sex, sexual  
14 orientation or gender identity, age, national origin or  
15 economic status.

16

17 **6-9-101. Equal enjoyment of public accommodations and**  
18 **facilities; penalties.**

19

20 (a) All persons of good deportment are entitled to  
21 the full and equal enjoyment of all accommodations,  
22 advantages, facilities and privileges of all places or  
23 agencies which are public in nature, or which invite the

1 patronage of the public, without any distinction,  
2 discrimination or restriction on account of race, religion,  
3 color, sex, sexual orientation or gender identity or  
4 national origin.

5

6 **6-9-102. Discrimination prohibited; penalties.**

7

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

12

13 **9-2-1022. Duties of department performed through**  
14 **human resources division.**

15

16 (a) Subject to subsection (b) of this section, the  
17 department through the human resources division shall:

18

19 (v) Maintain a register of applications made by  
20 all persons seeking employment with an agency. Each  
21 application shall be rated on the basis of suitability and  
22 qualifications without regard to political affiliation,

1 race, color, sex, sexual orientation or gender identity,  
2 creed or age;

3

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

5

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

14

15 **19-14-107. Creation of veterans' commission;**  
16 **composition; terms.**

17

18 (a) A Wyoming veterans' commission is created within  
19 the military department consisting of twelve (12) members,  
20 not less than one (1) of whom shall reside in each judicial  
21 district identified in W.S. 5-3-101, appointed by the  
22 governor for staggered terms of three (3) years.  
23 Commencing with initial appointments made in 2005, four (4)

1 members of the board shall be appointed for a term of one  
2 (1) year, four (4) members for a term of two (2) years and  
3 four (4) members for a term of three (3) years. Terms  
4 thereafter shall be three (3) years and staggered with one-  
5 third (1/3) of the members' terms expiring each year.  
6 Appointments shall be made without regard to political  
7 affiliation, sex, sexual orientation or gender identity,  
8 religion or ethnic background. The governor may remove any  
9 member as provided in W.S. 9-1-202. A chairman shall be  
10 elected by the commission from among its members and a new  
11 chairman elected every two (2) years thereafter.

12

13 **21-3-304. Charter school; requirements; authority.**

14

15 (c) A charter school shall be subject to all federal  
16 and state laws and constitutional provisions prohibiting  
17 discrimination on the basis of disability, race, creed,  
18 color, gender, sexual orientation or gender identity,  
19 national origin, religion, ancestry or need for special  
20 education services. Enrollment decisions shall be made in a  
21 nondiscriminatory manner specified by the charter school  
22 applicant in the charter school application. Enrollment

1 decisions shall not discriminate against at-risk students  
2 or special program students.

3

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

6

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

10

11 **21-4-303. Right not denied on account of sex, race or**  
12 **religion.**

13

14 No child shall be denied the right to attend the public  
15 schools of this state on account of sex, sexual orientation  
16 or gender identity, race, or religion.

17

18 **21-7-302. Discrimination in compensation prohibited.**

19

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

1

2           **27-4-302. Prohibition on paying employees less for**  
3 **same work.**

4

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

15

16           (iv) A differential based on any other factor  
17 other than gender, gender identity or sexual orientation.

18

19           **27-9-105. Discriminatory and unfair employment**  
20 **practices enumerated; limitations.**

21

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



1

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

9

10 (ii) For a person, an employment agency, a labor  
11 organization, or its employees or members, to discriminate  
12 in matters of employment or membership against any person,  
13 otherwise qualified, because of age, sex, sexual  
14 orientation or gender identity, race, creed, color,  
15 national origin, ancestry or pregnancy, or a qualified  
16 disabled person;

17

18 **35-1-620. Powers and duties of department and its**  
19 **divisions.**

20

21 (b) The department shall:

22

1 (viii) Prescribe conditions of eligibility for  
2 funding under this act so that no person shall be denied  
3 services on the basis of race, creed, color, national  
4 origin, sexual orientation or gender identity or inability  
5 to pay.

6  
7 **35-4-131. Consent of minors to treatment; treatment  
8 of infected or exposed persons; immunity from liability.**

9  
10 (b) For the protection of public health, a physician,  
11 health officer or other person or facility providing health  
12 care in accordance with state or federal law shall for any  
13 individual regardless of age, sex, sexual orientation or  
14 gender identity, race or color:

15  
16 **42-4-107. Uniform application throughout state;  
17 discrimination prohibited; pilot projects authorized.**

18  
19 (b) The provision of medical assistance to any  
20 applicant or qualified recipient shall not be denied or  
21 delayed and the administration of this chapter shall not  
22 otherwise discriminate against any applicant or recipient  
23 on the basis of race, creed, color, national origin, sex,

1 sexual orientation or gender identity, or mental or  
2 physical handicap.

3

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

5

6

(END)