

SF0131
SENATE FILE NO. SF0131

Discrimination.

Sponsored by: Senator(s) Rothfuss, Burns, Case, Craft,
Esquibel, F., Hastert and Von Flatern and Representative(s)
Blake, Brown, Connolly, Gingery, Greene, Petroff, Wallis 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 providing
4 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 based on sexual

1 orientation or gender identity shall be deemed to apply to any
2 of the employment practices of a religious corporation,
3 association, educational institution or society which has as
4 its primary purpose religious ritual or worship or the
5 teaching or spreading of religious doctrine or belief.

6

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

18

19 (c) Nothing in this article or any other provision of
20 law related to discrimination based on sexual orientation or
21 gender identity shall be construed to limit the rights
22 available to a religious corporation, association,
23 educational institution or society under any federal law that
24 establishes protections for freedom of speech and free

1 exercise of religion, including legal standards and rights
2 available under the first amendment to the United States
3 Constitution.".

4

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

8

9 **1-11-101. Qualifications of juror.**

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

14

15 **6-9-101. Equal enjoyment of public accommodations and**
16 **facilities; penalties.**

17

18 (a) All persons of good deportment are entitled to
19 the full and equal enjoyment of all accommodations,
20 advantages, facilities and privileges of all places or
21 agencies which are public in nature, or which invite the
22 patronage of the public, without any distinction,

1 discrimination or restriction on account of race, religion,
2 color, sex, sexual orientation or gender identity or
3 national origin.

4

5 **6-9-102. Discrimination prohibited; penalties.**

6

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

11

12 **9-2-1022. Duties of department performed through**
13 **human resources division.**

14

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

17

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

24

1 **14-4-201. Quality child care system established.**

2

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

11

12 **19-14-107. Creation of veterans' commission;**
13 **composition; terms.**

14

15 (a) A Wyoming veterans' commission is created within
16 the military department consisting of twelve (12) members,
17 not less than one (1) of whom shall reside in each judicial
18 district identified in W.S. 5-3-101, appointed by the
19 governor for staggered terms of three (3) years.
20 Commencing with initial appointments made in 2005, four (4)
21 members of the board shall be appointed for a term of one
22 (1) year, four (4) members for a term of two (2) years and
23 four (4) members for a term of three (3) years. Terms
24 thereafter shall be three (3) years and staggered with one

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

8

9 **21-3-304. Charter school; requirements; authority.**

10

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

21

22 **21-4-303. Right not denied on account of sex, race,**
23 **sexual orientation or religion.**

24

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

4

5 **21-7-302. Discrimination in compensation prohibited.**

6

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

11

12

13 **27-9-105. Discriminatory and unfair employment**

14 **practices enumerated; limitations.**

15

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

18

19 (i) For an employer to refuse to hire, to
20 discharge, to promote or demote, or to discriminate in
21 matters of compensation or the terms, conditions or
22 privileges of employment against, a qualified disabled
23 person or any person otherwise qualified, because of age,
24 sex, sexual orientation or gender identity, race, creed,

1 color, national origin, ancestry or pregnancy;

2

3 (ii) For a person, an employment agency, a labor
4 organization, or its employees or members, to discriminate
5 in matters of employment or membership against any person,
6 otherwise qualified, because of age, sex, sexual
7 orientation or gender identity, race, creed, color,
8 national origin, ancestry or pregnancy, or a qualified
9 disabled person;

10

11 **35-1-620. Powers and duties of department and its**
12 **divisions.**

13

14 (b) The department shall:

15

16 (viii) Prescribe conditions of eligibility for
17 funding under this act so that no person shall be denied
18 services on the basis of race, creed, color, national
19 origin, sexual orientation or gender identity or inability
20 to pay.

21

22 **35-4-131. Consent of minors to treatment; treatment**
23 **of infected or exposed persons; immunity from liability.**

24

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

6

7 **42-4-107. Uniform application throughout state;**
8 **discrimination prohibited; pilot projects authorized.**

9

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

17

18

19 **Section 3.** This act is effective July 1, 2013.

20

21 (END)