

# HOUSE BILL NO. 5893

July 30, 2024, Introduced by Reps. Edwards, Aiyash and O'Neal and referred to the Committee on Government Operations.

A bill to amend 1976 PA 453, entitled  
"Elliott-Larsen civil rights act,"  
by amending sections 202a and 402a (MCL 37.2202a and 37.2402a), as  
added by 1995 PA 88.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 202a. (1) ~~An~~ **Except as otherwise provided in subsection**  
2   **(3), an** employer shall do both of the following if that employer  
3   lists racial or ethnic classifications in a writing ~~developed or~~  
4   ~~printed 90 or more days after the effective date of this section,~~  
5   and ~~if that employer~~ requests that an individual select a

1 classification to designate ~~his or her~~ **the individual's** race or  
 2 ethnicity:

3 (a) Include in the writing the term "multiracial" as a  
 4 classification, and a definition of that term that substantially  
 5 provides that "multiracial" means having parents of different  
 6 races.

7 (b) Exclude from the writing the term "other" as a  
 8 classification.

9 (2) If a federal agency requires an employer to transmit  
 10 information obtained from an individual pursuant to a writing  
 11 described in subsection (1), but rejects the classification  
 12 "multiracial", the employer shall redesignate the ~~individuals~~  
 13 **individual** identified as multiracial by allocating ~~those~~  
 14 ~~individuals~~ **the individual** to racial or ethnic classifications  
 15 approved by the federal agency in the same ratio that those  
 16 classifications occur within the general population of the group  
 17 from which the information was solicited.

18 **(3) This section does not apply to an employer that is a**  
 19 **public body as that term is defined in the race and ethnicity data**  
 20 **collection act.**

21 **(4)** ~~(3)~~ As used in this section, "writing" means that term as  
 22 defined in section 2 of the freedom of information act, ~~Act No.~~  
 23 **1976 PA 442**, ~~of the Public Acts of 1976, being section MCL 15.232.~~  
 24 ~~of the Michigan Compiled Laws.~~

25 Sec. 402a. (1) ~~An~~ **Except as otherwise provided in subsection**  
 26 **(3), an** educational institution shall do both of the following if  
 27 that educational institution lists racial or ethnic classifications  
 28 in a writing ~~developed or printed 90 or more days after the~~  
 29 ~~effective date of this section, and if that educational institution~~

requests that an individual select 1 of those classifications to designate ~~his or her~~ **the individual's** race or ethnicity:

(a) Include in the writing the term "multiracial" as a classification, and a definition of that term that substantially provides that "multiracial" means having parents of different races.

(b) Exclude from the writing the term "other" as a classification.

(2) If a federal agency requires an educational institution to transmit information obtained from an individual pursuant to a writing described in subsection (1), but rejects the classification "multiracial", the educational institution shall redesignate the ~~individuals~~ **individual** identified as multiracial by allocating ~~those individuals~~ **the individual** to racial or ethnic classifications approved by the federal agency in the same ratio that those classifications occur within the general population of the group from which the information was solicited.

**(3) This section does not apply to an educational institution that is a public body or state public university as those terms are defined in the race and ethnicity data collection act.**

**(4)** ~~(3)~~ As used in this section, "writing" means that term as defined in section 2 of the freedom of information act, ~~Act No. 1976 PA 442, of the Public Acts of 1976, being section MCL 15.232. of the Michigan Compiled Laws.~~

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no. 06132'24) of the 102nd Legislature is enacted into law.