

# SENATE BILL NO. 147

March 07, 2023, Introduced by Senator GEISS and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1976 PA 453, entitled  
"Elliott-Larsen civil rights act,"  
by amending sections 201 and 202 (MCL 37.2201 and 37.2202), section  
201 as amended by 1980 PA 202 and section 202 as amended by 2009 PA  
190.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 201. As used in this article:
- 2       (a) "Employer" means a person ~~who~~**that** has 1 or more
- 3 employees, and includes an agent of that person.
- 4       (b) "Employment agency" means a person regularly undertaking

1 with or without compensation to procure, refer, recruit, or place  
 2 an employee for an employer or to procure, refer, recruit, or place  
 3 for an employer or person the opportunity to work for an employer  
 4 and includes an agent of that person.

5 (c) "Labor organization" includes:

6 (i) An organization of any kind, **or** an agency or employee  
 7 representation committee, group, association, or plan, in which  
 8 employees participate and ~~which—that~~ exists for the purpose, in  
 9 whole or in part, of dealing with employers concerning grievances,  
 10 labor disputes, wages, rates of pay, hours, or other terms or  
 11 conditions of employment.

12 (ii) A conference, general committee, joint or system board, or  
 13 joint council ~~which—that~~ is subordinate to a national or  
 14 international labor organization.

15 (iii) An agent of a labor organization.

16 (d) "Sex" includes, but is not limited to, pregnancy,  
 17 childbirth, or a medical condition related to pregnancy or  
 18 childbirth ~~that does not include nontherapeutic abortion not~~  
 19 ~~intended to save the life of the mother.~~ **or the termination of a**  
 20 **pregnancy.**

21 Sec. 202. (1) An employer shall not do any of the following:

22 (a) Fail or refuse to hire or recruit, discharge, or otherwise  
 23 discriminate against an individual with respect to employment,  
 24 compensation, or a term, condition, or privilege of employment,  
 25 because of religion, race, color, national origin, age, sex, **sexual**  
 26 **orientation, gender identity or expression,** height, weight, or  
 27 marital status.

28 (b) Limit, segregate, or classify an employee or applicant for  
 29 employment in a way that deprives or tends to deprive the employee

1 or applicant of an employment opportunity ~~or~~ otherwise adversely  
 2 affects the status of ~~an~~**the** employee or applicant because of  
 3 religion, race, color, national origin, age, sex, **sexual**  
 4 **orientation, gender identity or expression**, height, weight, or  
 5 marital status.

6 (c) Segregate, classify, or otherwise discriminate against a  
 7 ~~person~~**an individual** on the basis of sex with respect to a term,  
 8 condition, or privilege of employment, including, but not limited  
 9 to, a benefit plan or system.

10 (d) Treat an individual affected by pregnancy, childbirth, or  
 11 a related medical condition differently for any employment-related  
 12 purpose from another individual who is not so affected but similar  
 13 in ability or inability to work, without regard to the source of  
 14 any condition affecting the other individual's ability or inability  
 15 to work. ~~For purposes of this subdivision, a medical condition~~  
 16 ~~related to pregnancy or childbirth does not include nontherapeutic~~  
 17 ~~abortion not intended to save the life of the mother.~~

18 (2) This section does not prohibit the establishment or  
 19 implementation of a bona fide retirement policy or system that is  
 20 not a subterfuge to evade the purposes of this section.

21 (3) This section does not apply to the employment of an  
 22 individual by ~~his or her~~**the individual's** parent, spouse, or child.

23 Enacting section 1. This amendatory act does not take effect  
 24 unless Senate Bill No. 4 of the 102nd Legislature is enacted into  
 25 law.