



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2956/1
MIM:emw

2021 SENATE BILL 336

May 14, 2021 - Introduced by Senator JACQUE, cosponsored by Representatives MOSES, THIESFELDT, ALLEN, ARMSTRONG, BROOKS, CABRAL-GUEVARA, CALLAHAN, HORLACHER, PLUMER, ROZAR, SCHRAA, SORTWELL, WICHGERS and JAGLER. Referred to Committee on Health.

1 **AN ACT to amend** 15.04 (1) (g), 16.765 (1), 16.765 (2), 36.09 (1) (e), 36.11 (3) (a),
2 36.12 (1), 38.04 (13) (b), 38.23 (1), 47.02 (3m) (f), 51.90, 66.1011 (1), 66.1201
3 (2m), 66.1213 (3), 66.1301 (2m), 66.1331 (2m), 66.1333 (3) (e) 2., 86.195 (5) (c),
4 106.50 (1), 106.50 (1m) (h), 106.50 (1m) (nm), 106.50 (5m) (f) 1., 106.52 (3) (a)
5 1., 106.52 (3) (a) 2., 106.52 (3) (a) 3., 106.52 (3) (a) 4., 106.52 (3) (a) 5., 106.58,
6 111.31 (1), 111.31 (2), 111.31 (3), 111.321, 111.70 (2), 111.81 (12) (b), 111.85 (2)
7 (b), 118.019 (2d), 118.13 (1), 118.20 (1), 118.40 (4) (b) 2., 194.025, 224.77 (1) (c),
8 227.10 (3) (a), 230.01 (2) (b), 230.18, 234.29, 440.45 (1), 440.45 (2), 452.14 (3) (n),
9 625.12 (2), 632.35 and 756.001 (3); and **to create** 48.82 (7), 106.50 (1m) (v),
10 106.52 (1) (h), 111.32 (15), 111.373 and 628.34 (3) (c) of the statutes; **relating**
11 **to:** prohibiting discrimination based on vaccination status.

Analysis by the Legislative Reference Bureau

This bill prohibits discrimination on the basis of vaccination status, which is defined in the bill as whether an individual has received one or more doses of a vaccine. The bill also make changes to various discrimination laws, including all of the following:

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1. Current law prohibits discrimination in employment, housing, and the equal enjoyment of a public place of accommodation or amusement on the basis of a person's disability. Current law also requires certain state agencies, authorities, and corporations to include provisions in contracts they execute obliging the contractor to similarly not discriminate against any employee or applicant for employment. The bill adds vaccination status as a prohibited basis for discrimination in these areas.

2. Current law prohibits the University of Wisconsin System, the Technical College System, public elementary and secondary schools, and charter schools from discriminating against a student on the basis of the student's disability. The bill prohibits the same educational institutions from discriminating against a student on the basis of the student's vaccination status. The bill also prohibits the UW System Board of Regents from investing gifts, grants, and bequests in companies that practice discrimination based on vaccination status.

3. Current law prohibits the exclusion of an individual from jury duty on the basis of the individual's physical condition. The bill adds vaccination status as a prohibited basis for exclusion of an individual from jury duty.

4. The bill prohibits discrimination against an otherwise qualified person in the adoption of minor children because of the person's vaccination status.

5. Current law requires the heads of departments and independent agencies in the executive branch of state government to determine whether there is arbitrary discrimination on several bases and to take remedial action if such discrimination is found. The bill requires these heads to also determine if there is discrimination on the basis of vaccination status and take remedial action regarding such discrimination.

6. Current law prohibits discrimination against an employee, prospective employee, patient, or resident of an approved treatment facility providing treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons on several bases. The bill adds vaccination status as a prohibited basis of discrimination.

7. Current law prohibits state agency rules from discriminating against a person on several bases. The bill adds vaccination status as a prohibited basis of discrimination.

8. Current law prohibits discrimination on several bases in the provision of vocational rehabilitation or mental health services. The bill adds vaccination status to the prohibited bases of discrimination.

9. The bill prohibits an insurer from discriminating against an individual on the basis of vaccination status and also prohibits motor carriers, automobile insurers, transportation network companies, and real estate brokers and salespersons from discriminating against an individual on the basis of vaccination status.

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For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.04 (1) (g) of the statutes is amended to read:

2 15.04 (1) (g) *Discrimination review.* In order to determine whether there is any
3 arbitrary discrimination on the basis of race, religion, national origin, sex, marital
4 status ~~or~~, sexual orientation, as defined in s. 111.32 (13m), or vaccination status, as
5 defined in s. 111.32 (15), examine and assess the statutes under which the head has
6 powers or regulatory responsibilities, the procedures by which those statutes are
7 administered, and the rules promulgated under those statutes. If the department
8 or agency head finds any such discrimination, he or she shall take remedial action,
9 including making recommendations to the appropriate executive, legislative, or
10 administrative authority.

11 **SECTION 2.** 16.765 (1) of the statutes is amended to read:

12 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
13 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
14 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
15 Economic Development Corporation, and the Bradley Center Sports and
16 Entertainment Corporation shall include in all contracts executed by them a
17 provision obligating the contractor not to discriminate against any employee or
18 applicant for employment because of age, race, religion, color, handicap, sex, physical
19 condition, developmental disability, as defined in s. 51.01 (5), sexual orientation, as
20 defined in s. 111.32 (13m), ~~or~~ national origin, or vaccination status, as defined in s.
21 111.32 (15), and, except with respect to sexual orientation and vaccination status,

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1 obligating the contractor to take affirmative action to ensure equal employment
2 opportunities.

3 **SECTION 3.** 16.765 (2) of the statutes is amended to read:

4 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
6 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
7 Economic Development Corporation, and the Bradley Center Sports and
8 Entertainment Corporation shall include the following provision in every contract
9 executed by them: "In connection with the performance of work under this contract,
10 the contractor agrees not to discriminate against any employee or applicant for
11 employment because of age, race, religion, color, handicap, sex, physical condition,
12 developmental disability, as defined in s. 51.01 (5), sexual orientation ~~or~~, national
13 origin, or vaccination status, as defined in s. 111.32 (15). This provision shall include,
14 ~~but not be limited to, the following:~~ employment, upgrading, demotion or transfer;
15 recruitment or recruitment advertising; layoff or termination; rates of pay or other
16 forms of compensation; and selection for training, including apprenticeship. Except
17 with respect to sexual orientation and vaccination status, the contractor further
18 agrees to take affirmative action to ensure equal employment opportunities. The
19 contractor agrees to post in conspicuous places, available for employees and
20 applicants for employment, notices to be provided by the contracting officer setting
21 forth the provisions of the nondiscrimination ~~elause~~". clause."

22 **SECTION 4.** 36.09 (1) (e) of the statutes is amended to read:

23 36.09 (1) (e) Subject to par. (em), the board shall appoint a president of the
24 system; a chancellor for each institution; a dean for each college campus; the state
25 geologist; the director of the laboratory of hygiene; the director of the psychiatric

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1 institute; the state cartographer; and the requisite number of officers, other than the
2 vice presidents, associate vice presidents, and assistant vice presidents of the
3 system; faculty; academic staff; and other employees and fix the salaries, subject to
4 the limitations under par. (j) and s. 230.12 (3) (e), the duties and the term of office
5 for each. The board shall fix the salaries, subject to the limitations under par. (j) and
6 s. 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice
7 president, and assistant vice president of the system. No sectarian or partisan tests
8 or any tests based upon race, religion, national origin, ~~or sex, or vaccination status,~~
9 as defined in s. 111.32 (15), shall ever be allowed or exercised in the appointment of
10 the employees of the system.

11 **SECTION 5.** 36.11 (3) (a) of the statutes is amended to read:

12 36.11 (3) (a) The board shall establish the policies for admission within the
13 system and within these policies each institution shall establish specific
14 requirements for admission to its courses of instruction. No sectarian or partisan
15 tests or any tests based upon race, religion, national origin of U.S. citizens ~~or, sex,~~
16 or vaccination status, as defined in s. 111.32 (15), shall ever be allowed in the
17 admission of students thereto.

18 **SECTION 6.** 36.12 (1) of the statutes is amended to read:

19 36.12 (1) No student may be denied admission to, participation in, or the
20 benefits of, or be discriminated against in, any service, program, course, or facility
21 of the system or its institutions because of the student's race, color, creed, religion,
22 sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital
23 status ~~or, parental status, or vaccination status, as defined in s. 111.32 (15)~~.

24 **SECTION 7.** 38.04 (13) (b) of the statutes is amended to read:

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1 38.04 (13) (b) No person may, on the ground of sex, age, race, color, religion or,
2 national origin, or vaccination status, as defined in s. 111.32 (15), be excluded from
3 participating in, be denied the benefits of, or be subjected to discrimination under
4 any program or activity funded in whole or in part with funds made available under
5 this subsection.

6 **SECTION 8.** 38.23 (1) of the statutes is amended to read:

7 38.23 (1) No student may be denied admission to, participation in, or the
8 benefits of, or be discriminated against in, any service, program, course, or facility
9 of the board or any district because of the student's race, color, creed, religion, sex,
10 national origin, disability, ancestry, age, sexual orientation, pregnancy, marital
11 status or, parental status, or vaccination status, as defined in s. 111.32 (15).

12 **SECTION 9.** 47.02 (3m) (f) of the statutes is amended to read:

13 47.02 (3m) (f) Assure that eligibility for vocational rehabilitation services
14 under this chapter is determined without regard to sex, race, age, creed, color, or
15 national origin, or vaccination status, as defined in s. 111.32 (15), of the individual
16 applying for services, that no class of individuals is found ineligible solely on the
17 basis of type of disability, and that no age limitations for eligibility exist ~~which~~ that,
18 by themselves, would result in ineligibility for vocational rehabilitation services.

19 **SECTION 10.** 48.82 (7) of the statutes is created to read:

20 48.82 (7) No otherwise qualified person may be denied the benefits of this
21 subchapter because of the person's vaccination status, as defined in s. 111.32 (15).

22 **SECTION 11.** 51.90 of the statutes is amended to read:

23 **51.90 Antidiscrimination.** No employee, prospective employee, patient, or
24 resident of an approved treatment facility, or consumer of services provided under

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1 this chapter, may be discriminated against because of age, race, creed, color, sex or
2 handicap, disability, or vaccination status, as defined in s. 111.32 (15).

3 **SECTION 12.** 66.1011 (1) of the statutes is amended to read:

4 66.1011 (1) DECLARATION OF POLICY. The right of all persons to have equal
5 opportunities for housing regardless of their sex, race, color, disability, as defined in
6 s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32 (13m), religion, national
7 origin, marital status, family status, as defined in s. 106.50 (1m) (k), status as a
8 victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u),
9 lawful source of income, age, or ancestry, or vaccination status, as defined in s. 111.32
10 (15), is a matter both of statewide concern under ss. 101.132 and 106.50 and also of
11 local interest under this section and s. 66.0125. The enactment of ss. 101.132 and
12 106.50 by the legislature does not preempt the subject matter of equal opportunities
13 in housing from consideration by political subdivisions, and does not exempt political
14 subdivisions from their duty, nor deprive them of their right, to enact ordinances that
15 prohibit discrimination in any type of housing solely on the basis of an individual
16 being a member of a protected class.

17 **SECTION 13.** 66.1201 (2m) of the statutes is amended to read:

18 66.1201 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit,
19 facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the right, benefit,
20 facility, or privilege in any manner for any purpose nor be discriminated against
21 because of sex, race, color, creed, sexual orientation, status as a victim of domestic
22 abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or national origin,
23 or vaccination status, as defined in s. 111.32 (15).

24 **SECTION 14.** 66.1213 (3) of the statutes is amended to read:

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1 66.1213 **(3)** DISCRIMINATION. Persons otherwise entitled to any right, benefit,
2 facility, or privilege under this section may not be denied the right, benefit, facility,
3 or privilege in any manner for any purpose nor be discriminated against because of
4 sex, race, color, creed, sexual orientation, status as a victim of domestic abuse, sexual
5 assault, or stalking, as defined in s. 106.50 (1m) (u), ~~or national origin,~~ or vaccination
6 status, as defined in s. 111.32 (15).

7 **SECTION 15.** 66.1301 (2m) of the statutes is amended to read:

8 66.1301 **(2m)** DISCRIMINATION. Persons entitled to any right, benefit, facility,
9 or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit, facility,
10 or privilege in any manner for any purpose nor be discriminated against because of
11 sex, race, color, creed, sexual orientation, status as a victim of domestic abuse, sexual
12 assault, or stalking, as defined in s. 106.50 (1m) (u), ~~or national origin,~~ or vaccination
13 status, as defined in s. 111.32 (15).

14 **SECTION 16.** 66.1331 (2m) of the statutes is amended to read:

15 66.1331 **(2m)** DISCRIMINATION. Persons otherwise entitled to any right, benefit,
16 facility, or privilege under this section may not be denied the right, benefit, facility,
17 or privilege in any manner for any purpose nor be discriminated against because of
18 sex, race, color, creed, sexual orientation, status as a victim of domestic abuse, sexual
19 assault, or stalking, as defined in s. 106.50 (1m) (u), ~~or national origin,~~ or vaccination
20 status, as defined in s. 111.32 (15).

21 **SECTION 17.** 66.1333 (3) (e) 2. of the statutes is amended to read:

22 66.1333 **(3)** (e) 2. Persons otherwise entitled to any right, benefit, facility, or
23 privilege under this section may not be denied the right, benefit, facility, or privilege
24 in any manner for any purpose nor be discriminated against because of sex, race,
25 color, creed, sexual orientation, status as a victim of domestic abuse, sexual assault,

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1 or stalking, as defined in s. 106.50 (1m) (u), ~~or national origin,~~ or vaccination status,
2 as defined in s. 111.32 (15).

3 **SECTION 18.** 86.195 (5) (c) of the statutes is amended to read:

4 86.195 (5) (c) *Conformity with discrimination laws.* Each business identified
5 as a motorist service on a specific information sign shall, as a condition of eligibility
6 for erection, installation, and maintenance of a sign under this section, give written
7 assurance to the department that the business conforms with all applicable laws
8 concerning the provisions of public accommodations without regard to race, religion,
9 color, sex ~~or,~~ national origin, or vaccination status, as defined in s. 111.32 (15).

10 **SECTION 19.** 106.50 (1) of the statutes is amended to read:

11 106.50 (1) INTENT. It is the intent of this section to render unlawful
12 discrimination in housing. It is the declared policy of this state that all persons shall
13 have an equal opportunity for housing regardless of sex, race, color, sexual
14 orientation, disability, religion, national origin, marital status, family status, status
15 as a victim of domestic abuse, sexual assault, or stalking, lawful source of income,
16 age, ~~or ancestry,~~ or vaccination status, and it is the duty of the political subdivisions
17 to assist in the orderly prevention or removal of all discrimination in housing
18 through the powers granted under ss. 66.0125 and 66.1011. The legislature hereby
19 extends the state law governing equal housing opportunities to cover single-family
20 residences that are owner-occupied. The legislature finds that the sale and rental
21 of single-family residences constitute a significant portion of the housing business
22 in this state and should be regulated. This section shall be considered an exercise
23 of the police powers of the state for the protection of the welfare, health, peace,
24 dignity, and human rights of the people of this state.

25 **SECTION 20.** 106.50 (1m) (h) of the statutes is amended to read:

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1 106.50 (1m) (h) “Discriminate” means to segregate, separate, exclude, or treat
2 a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r)
3 because of sex, race, color, sexual orientation, disability, religion, national origin,
4 marital status, family status, status as a victim of domestic abuse, sexual assault,
5 or stalking, lawful source of income, age, ~~or~~ ancestry, or vaccination status.

6 **SECTION 21.** 106.50 (1m) (nm) of the statutes is amended to read:

7 106.50 (1m) (nm) “Member of a protected class” means a group of natural
8 persons, or a natural person, who may be categorized because of sex, race, color,
9 disability, sexual orientation, religion, national origin, marital status, family status,
10 status as a victim of domestic abuse, sexual abuse, or stalking, lawful source of
11 income, age, ~~or~~ ancestry, or vaccination status.

12 **SECTION 22.** 106.50 (1m) (v) of the statutes is created to read:

13 106.50 (1m) (v) “Vaccination status” has the meaning given in s. 111.32 (15).

14 **SECTION 23.** 106.50 (5m) (f) 1. of the statutes is amended to read:

15 106.50 (5m) (f) 1. Nothing in this section prohibits an owner or agent from
16 requiring that a person who seeks to buy or rent housing supply information
17 concerning family status, and marital, financial, and business status but not
18 concerning race, color, disability, sexual orientation, ancestry, national origin,
19 religion, creed, status as a victim of domestic abuse, sexual assault, or stalking,
20 vaccination status, or, subject to subd. 2., age.

21 **SECTION 24.** 106.52 (1) (h) of the statutes is created to read:

22 106.52 (1) (h) “Vaccination status” has the meaning given in s. 111.32 (15).

23 **SECTION 25.** 106.52 (3) (a) 1. of the statutes is amended to read:

24 106.52 (3) (a) 1. Deny to another or charge another a higher price than the
25 regular rate for the full and equal enjoyment of any public place of accommodation

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1 or amusement because of sex, race, color, creed, vaccination status, disability, sexual
2 orientation, national origin, or ancestry.

3 **SECTION 26.** 106.52 (3) (a) 2. of the statutes is amended to read:

4 106.52 (3) (a) 2. Give preferential treatment to some classes of persons in
5 providing services or facilities in any public place of accommodation or amusement
6 because of sex, race, color, creed, sexual orientation, national origin ~~or~~, ancestry, or
7 vaccination status.

8 **SECTION 27.** 106.52 (3) (a) 3. of the statutes is amended to read:

9 106.52 (3) (a) 3. Directly or indirectly publish, circulate, display, or mail any
10 written communication which the communicator knows is to the effect that any of
11 the facilities of any public place of accommodation or amusement will be denied to
12 any person ~~by reason of~~, or that the patronage of any person is unwelcome,
13 objectionable, or unacceptable, because of sex, race, color, creed, disability, sexual
14 orientation, national origin ~~or~~, ancestry ~~or that the patronage of a person is~~
15 ~~unwelcome, objectionable or unacceptable for any of those reasons,~~ or vaccination
16 status.

17 **SECTION 28.** 106.52 (3) (a) 4. of the statutes is amended to read:

18 106.52 (3) (a) 4. Refuse to furnish or charge another a higher rate for any
19 automobile insurance because of race, color, creed, disability, national origin ~~or~~,
20 ancestry, or vaccination status.

21 **SECTION 29.** 106.52 (3) (a) 5. of the statutes is amended to read:

22 106.52 (3) (a) 5. Refuse to rent, charge a higher price than the regular rate, or
23 give preferential treatment, because of sex, race, color, creed, sexual orientation,
24 national origin ~~or~~, ancestry, or vaccination status, regarding the use of any private
25 facilities commonly rented to the public.

SENATE BILL 336**SECTION 30**

1 **SECTION 30.** 106.58 of the statutes is amended to read:

2 **106.58 Discrimination in education prohibited.** No child may be excluded
3 from or discriminated against in admission to any public school or in obtaining the
4 advantages, privileges, and courses of study of such public school on account of sex,
5 race, religion ~~or~~, national origin, or vaccination status, as defined in s. 111.32 (15).

6 **SECTION 31.** 111.31 (1) of the statutes is amended to read:

7 **111.31 (1)** The legislature finds that the practice of unfair discrimination in
8 employment against properly qualified individuals by reason of their age, race,
9 creed, color, disability, marital status, sex, national origin, ancestry, sexual
10 orientation, arrest record, conviction record, military service, use or nonuse of lawful
11 products off the employer's premises during nonworking hours, ~~or~~ declining to
12 attend a meeting or to participate in any communication about religious matters or
13 political matters, or vaccination status substantially and adversely affects the
14 general welfare of the state. Employers, labor organizations, employment agencies,
15 and licensing agencies that deny employment opportunities and discriminate in
16 employment against properly qualified individuals solely because of their age, race,
17 creed, color, disability, marital status, sex, national origin, ancestry, sexual
18 orientation, arrest record, conviction record, military service, use or nonuse of lawful
19 products off the employer's premises during nonworking hours, ~~or~~ declining to
20 attend a meeting or to participate in any communication about religious matters or
21 political matters, or vaccination status deprive those individuals of the earnings that
22 are necessary to maintain a just and decent standard of living.

23 **SECTION 32.** 111.31 (2) of the statutes is amended to read:

24 **111.31 (2)** It is the intent of the legislature to protect by law the rights of all
25 individuals to obtain gainful employment and to enjoy privileges free from

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1 employment discrimination because of age, race, creed, color, disability, marital
2 status, sex, national origin, ancestry, sexual orientation, arrest record, conviction
3 record, military service, use or nonuse of lawful products off the employer's premises
4 during nonworking hours, ~~or~~ declining to attend a meeting or to participate in any
5 communication about religious matters or political matters, or vaccination status
6 and to encourage the full, nondiscriminatory utilization of the productive resources
7 of the state to the benefit of the state, the family, and all the people of the state. It
8 is the intent of the legislature in promulgating this subchapter to encourage
9 employers to evaluate an employee or applicant for employment based upon the
10 individual qualifications of the employee or applicant rather than upon a particular
11 class to which the individual may belong.

12 **SECTION 33.** 111.31 (3) of the statutes is amended to read:

13 111.31 (3) In the interpretation and application of this subchapter, and
14 otherwise, it is declared to be the public policy of the state to encourage and foster
15 to the fullest extent practicable the employment of all properly qualified individuals
16 regardless of age, race, creed, color, disability, marital status, sex, national origin,
17 ancestry, sexual orientation, arrest record, conviction record, military service, use or
18 nonuse of lawful products off the employer's premises during nonworking hours, ~~or~~
19 declining to attend a meeting or to participate in any communication about religious
20 matters or political matters, or vaccination status. Nothing in this subsection
21 requires an affirmative action program to correct an imbalance in the work force.
22 This subchapter shall be liberally construed for the accomplishment of this purpose.

23 **SECTION 34.** 111.32 (15) of the statutes is created to read:

24 111.32 (15) "Vaccination status" means whether an individual has received one
25 or more doses of a vaccine.

SENATE BILL 336**SECTION 35**

1 **SECTION 35.** 111.321 of the statutes is amended to read:

2 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to
3 111.365, no employer, labor organization, employment agency, licensing agency, or
4 other person may engage in any act of employment discrimination as specified in s.
5 111.322 against any individual on the basis of age, race, creed, color, disability,
6 marital status, sex, national origin, ancestry, arrest record, conviction record,
7 military service, use or nonuse of lawful products off the employer's premises during
8 nonworking hours, ~~or~~ declining to attend a meeting or to participate in any
9 communication about religious matters or political matters, or vaccination status.

10 **SECTION 36.** 111.373 of the statutes is created to read:

11 **111.373 Vaccination status.** No employer, labor organization, employment
12 agency, or licensing agency may directly or indirectly do any of the following:

13 **(1)** Require any individual as a condition of continued employment or an offer
14 of employment, labor organization membership, or licensure to receive any vaccine.

15 **(2)** Require any individual as a condition of continued employment or an offer
16 of employment, labor organization membership, or licensure to provide proof of
17 immunization.

18 **(3)** Affect the terms, conditions, or privileges of employment, labor
19 organization membership, or licensure or terminate the employment, labor
20 organization membership, or licensure of any individual who refuses to provide
21 information regarding the individual's vaccination status.

22 **SECTION 37.** 111.70 (2) of the statutes is amended to read:

23 **111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES.** Municipal employees have the right
24 of self-organization, and the right to form, join, or assist labor organizations, to
25 bargain collectively through representatives of their own choosing, and to engage in

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1 lawful, concerted activities for the purpose of collective bargaining or other mutual
2 aid or protection. Municipal employees have the right to refrain from any and all
3 such activities. A general municipal employee has the right to refrain from paying
4 dues while remaining a member of a collective bargaining unit. A public safety
5 employee or a transit employee, however, may be required to pay dues in the manner
6 provided in a fair-share agreement; a fair-share agreement covering a public safety
7 employee or a transit employee must contain a provision requiring the municipal
8 employer to deduct the amount of dues as certified by the labor organization from the
9 earnings of the employee affected by the fair-share agreement and to pay the amount
10 deducted to the labor organization. A fair-share agreement covering a public safety
11 employee or transit employee is subject to the right of the municipal employer or a
12 labor organization to petition the commission to conduct a referendum. Such
13 petition must be supported by proof that at least 30 percent of the employees in the
14 collective bargaining unit desire that the fair-share agreement be terminated. Upon
15 so finding, the commission shall conduct a referendum. If the continuation of the
16 agreement is not supported by at least the majority of the eligible employees, it shall
17 terminate. The commission shall declare any fair-share agreement suspended upon
18 such conditions and for such time as the commission decides whenever it finds that
19 the labor organization involved has refused on the basis of race, color, sexual
20 orientation, creed, ~~or sex, or vaccination status, as defined in s. 111.32 (15)~~, to receive
21 as a member any public safety employee or transit employee of the municipal
22 employer in the bargaining unit involved, and such agreement is subject to this duty
23 of the commission. Any of the parties to such agreement or any public safety
24 employee or transit employee covered by the agreement may come before the
25 commission, as provided in s. 111.07, and ask the performance of this duty.

SENATE BILL 336**SECTION 38**

1 **SECTION 38.** 111.81 (12) (b) of the statutes is amended to read:

2 111.81 **(12)** (b) Which discriminates with regard to the terms or conditions of
3 membership because of race, color, creed, sex, age, sexual orientation ~~or~~, national
4 origin, or vaccination status, as defined in s. 111.32 (15).

5 **SECTION 39.** 111.85 (2) (b) of the statutes is amended to read:

6 111.85 **(2)** (b) The commission shall declare any fair-share or maintenance of
7 membership agreement suspended upon such conditions and for such time as the
8 commission decides whenever it finds that the labor organization involved has
9 refused on the basis of race, color, sexual orientation ~~or~~, creed, or vaccination status,
10 as defined in s. 111.32 (15), to receive as a member any public safety employee in the
11 collective bargaining unit involved, and the agreement shall be made subject to the
12 findings and orders of the commission. Any of the parties to the agreement, or any
13 public safety employee covered thereby, may come before the commission, as
14 provided in s. 111.07, and petition the commission to make such a finding.

15 **SECTION 40.** 118.019 (2d) of the statutes is amended to read:

16 118.019 **(2d)** NONDISCRIMINATION. An instructional program under this section
17 shall use instructional methods and materials that, consistent with s. 118.13 (1), do
18 not discriminate against a pupil based upon the pupil's race, gender, religion, sexual
19 orientation, or ethnic or cultural background or against sexually active pupils ~~or~~,
20 children with disabilities, or vaccination status, as defined in s. 111.32 (15). Nothing
21 in this subsection shall be construed to prohibit a school board from approving an
22 instructional program under this section that includes instruction on abstinence
23 from sexual activity or that is abstinence-centered.

24 **SECTION 41.** 118.13 (1) of the statutes is amended to read:

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1 118.13 (1) Except as provided in s. 120.13 (37m), no person may be denied
2 admission to any public school or be denied participation in, be denied the benefits
3 of or be discriminated against in any curricular, extracurricular, pupil services,
4 recreational or other program or activity because of the person's sex, race, religion,
5 national origin, ancestry, creed, pregnancy, marital or parental status, sexual
6 orientation ~~or~~, physical, mental, emotional, or learning disability, or vaccination
7 status, as defined in s. 111.32 (15).

8 **SECTION 42.** 118.20 (1) of the statutes is amended to read:

9 118.20 (1) No discrimination because of sex, except where sex is a bona fide
10 occupational qualification as defined in s. 111.36 (2), race, nationality ~~or~~, political or
11 religious affiliation, or vaccination status, as defined in s. 111.32 (15), may be
12 practiced in the employment of teachers or administrative personnel in public
13 schools or in their assignment or reassignment. No questions of any nature or form
14 relative to sex, except where sex is a bona fide occupational qualification as defined
15 in s. 111.36 (2), race, nationality ~~or~~, political or religious affiliation, or vaccination
16 status, as defined in s. 111.32 (15), may be asked applicants for teaching or
17 administrative positions in the public schools either by public school officials or
18 employees or by teachers agencies or placement bureaus.

19 **SECTION 43.** 118.40 (4) (b) 2. of the statutes is amended to read:

20 118.40 (4) (b) 2. Except as provided in sub. (3) (h), discriminate in admission
21 or deny participation in any program or activity on the basis of a person's sex, race,
22 religion, national origin, ancestry, pregnancy, marital or parental status, sexual
23 orientation ~~or~~, physical, mental, emotional, or learning disability, or vaccination
24 status, as defined in s. 111.32 (15).

25 **SECTION 44.** 194.025 of the statutes is amended to read:

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1 **194.025 Discrimination prohibited.** No motor carrier may engage in any
2 practice, act, or omission which that results in discrimination on the basis of race,
3 creed, sex ~~or~~, national origin, or vaccination status, as defined in s. 111.32 (15).

4 **SECTION 45.** 224.77 (1) (o) of the statutes is amended to read:

5 224.77 (1) (o) In the course of practice as a mortgage banker, mortgage loan
6 originator, or mortgage broker, except in relation to housing designed to meet the
7 needs of elderly individuals, treat a person unequally solely because of sex, race,
8 color, handicap, sexual orientation, as defined in s. 111.32 (13m), religion, national
9 origin, age, ~~or~~ ancestry, vaccination status, as defined in s. 111.32 (15), the person's
10 lawful source of income, or the sex, marital status, or status as a victim of domestic
11 abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), of the person
12 maintaining a household.

13 **SECTION 46.** 227.10 (3) (a) of the statutes is amended to read:

14 227.10 (3) (a) No rule, either by its terms or in its application, may discriminate
15 for or against any person by reason of sex, race, creed, color, sexual orientation,
16 national origin ~~or~~, ancestry, or vaccination status, as defined in s. 111.32 (15).

17 **SECTION 47.** 230.01 (2) (b) of the statutes is amended to read:

18 230.01 (2) (b) It is the policy of this state to provide for equal employment
19 opportunity by ensuring that all personnel actions including hire, tenure or term,
20 and condition or privilege of employment be based on the ability to perform the duties
21 and responsibilities assigned to the particular position without regard to age, race,
22 creed or religion, color, disability, sex, national origin, ancestry, sexual orientation,
23 ~~or~~ political affiliation, or vaccination status, as defined in s. 111.32 (15).

24 **SECTION 48.** 230.18 of the statutes is amended to read:

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1 **230.18 Discrimination prohibited.** No question in any form of application
2 or in any evaluation used in the hiring process may be so framed as to elicit
3 information concerning the partisan political or religious opinions or affiliations of
4 any applicant nor may any inquiry be made concerning ~~such~~ those opinions or
5 affiliations and all disclosures ~~thereof~~ of those opinions or affiliations shall be
6 discountenanced except that the director may evaluate the competence and
7 impartiality of applicants for positions such as clinical chaplain in a state
8 institutional program. No discriminations may be exercised in the recruitment,
9 application, or hiring process against or in favor of any person because of the person's
10 political or religious opinions or affiliations or because of age, sex, disability, race,
11 color, sexual orientation, national origin, ~~or~~ ancestry, or vaccination status, as
12 defined in s. 111.32 (15), except as otherwise provided.

13 **SECTION 49.** 234.29 of the statutes is amended to read:

14 **234.29 Equality of occupancy and employment.** The authority shall
15 require that occupancy of housing projects assisted under this chapter be open to all
16 regardless of sex, race, religion, creed, sexual orientation, status as a victim of
17 domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or ~~ereed~~
18 vaccination status, as defined in s. 111.32 (15), and that contractors and
19 subcontractors engaged in the construction of economic development or housing
20 projects, shall provide an equal opportunity for employment, without discrimination
21 as to sex, race, religion, sexual orientation, ~~or~~ creed, or vaccination status, as defined
22 in s. 111.32 (15).

23 **SECTION 50.** 440.45 (1) of the statutes is amended to read:

24 440.45 (1) Each licensed company shall adopt a policy of nondiscrimination on
25 the basis of trip origin or destination, race, color, national origin, religious belief or

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1 affiliation, sex, disability, age, sexual orientation, or gender identity, or vaccination
2 status, as defined in s. 111.32 (15), with respect to passengers and prospective
3 passengers and notify all of its participating drivers of the nondiscrimination policy.

4 **SECTION 51.** 440.45 (2) of the statutes is amended to read:

5 440.45 (2) A participating driver may not discriminate against any passenger
6 or prospective passenger on the basis of destination, race, color, national origin,
7 religious belief or affiliation, sex, disability, age, sexual orientation, or gender
8 identity, or vaccination status, as defined in s. 111.32 (15).

9 **SECTION 52.** 452.14 (3) (n) of the statutes is amended to read:

10 452.14 (3) (n) Treated any person unequally solely because of sex, race, color,
11 handicap, national origin, ancestry, marital status, lawful source of income, or status
12 as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m)
13 (u), or vaccination status, as defined in s. 111.32 (15).

14 **SECTION 53.** 625.12 (2) of the statutes is amended to read:

15 625.12 (2) CLASSIFICATION. Except as provided in s. 632.729, risks may be
16 classified in any reasonable way for the establishment of rates and minimum
17 premiums, except that no classifications may be based on race, color, creed or,
18 national origin, or vaccination status, as defined in s. 111.32 (15), and classifications
19 in automobile insurance may not be based on physical condition or developmental
20 disability as defined in s. 51.01 (5). Subject to ss. 632.365 and 632.729, rates thus
21 produced may be modified for individual risks in accordance with rating plans or
22 schedules that establish reasonable standards for measuring probable variations in
23 hazards, expenses, or both. Rates may also be modified for individual risks under
24 s. 625.13 (2).

25 **SECTION 54.** 628.34 (3) (c) of the statutes is created to read:

