

**SUBSTITUTE FOR
SENATE BILL NO. 90**

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending section 103 (MCL 37.2103), as amended by 2023 PA 6.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 103. As used in this act:
- 2 (a) "Age" means chronological age except as otherwise provided
- 3 by law.
- 4 (b) "Commission" means the civil rights commission established
- 5 by section 29 of article V of the state constitution of 1963.
- 6 (c) "Commissioner" means a member of the commission.
- 7 (d) "Department" means the department of civil rights or its
- 8 employees.
- 9 (e) "Familial status" means 1 or more individuals under the

1 age of 18 residing with a parent or other person having custody or
2 in the process of securing legal custody of the individual or
3 individuals or residing with the designee of the parent or other
4 person having or securing custody, with the written permission of
5 the parent or other person. For purposes of this definition,
6 "parent" includes an individual who is pregnant.

7 (f) "Gender identity or expression" means having or being
8 perceived as having a gender-related self-identity or expression
9 whether or not associated with an individual's assigned sex at
10 birth.

11 (g) "National origin" includes the national origin of an
12 ancestor.

13 (h) "Person" means an individual, agent, association,
14 corporation, joint apprenticeship committee, joint stock company,
15 labor organization, legal representative, mutual company,
16 partnership, receiver, trust, trustee in bankruptcy, unincorporated
17 organization, this state or a political subdivision of this state
18 or an agency of this state, or any other legal or commercial
19 entity.

20 (i) "Political subdivision" means a county, city, village,
21 township, school district, or special district or authority of this
22 state.

23 **(j) "Race" is inclusive of traits historically associated with**
24 **race, including, but not limited to, hair texture and protective**
25 **hairstyles. For purposes of this definition, "protective**
26 **hairstyles" includes, but is not limited to, such hairstyles as**
27 **braids, locks, and twists.**

28 **(k) ~~(j)~~—Discrimination because of sex includes sexual**
29 **harassment. Sexual harassment means unwelcome sexual advances,**

1 requests for sexual favors, and other verbal or physical conduct or
2 communication of a sexual nature under the following conditions:

3 (i) Submission to the conduct or communication is made a term
4 or condition either explicitly or implicitly to obtain employment,
5 public accommodations or public services, education, or housing.

6 (ii) Submission to or rejection of the conduct or communication
7 by an individual is used as a factor in decisions affecting the
8 individual's employment, public accommodations or public services,
9 education, or housing.

10 (iii) The conduct or communication has the purpose or effect of
11 substantially interfering with an individual's employment, public
12 accommodations or public services, education, or housing, or
13 creating an intimidating, hostile, or offensive employment, public
14 accommodations, public services, educational, or housing
15 environment.

16 (l) ~~(k)~~—"Sexual orientation" means having an orientation for
17 heterosexuality, homosexuality, or bisexuality or having a history
18 of such an orientation or being identified with such an
19 orientation.