

231.10

ARTICLE 12

231.11

HUMAN RIGHTS

231.12 Section 1. Minnesota Statutes 2020, section 363A.03, is amended by adding a subdivision
231.13 to read:

231.14 Subd. 36a. **Race.** "Race" is inclusive of traits associated with race, including but not
231.15 limited to hair texture and hair styles such as braids, locks, and twists.

231.16 Sec. 2. Minnesota Statutes 2020, section 363A.08, is amended by adding a subdivision to
231.17 read:

231.18 Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history," as used in this
231.19 subdivision, means any prior or current wage, salary, earnings, benefits, or any other
231.20 compensation about an applicant for employment.

231.21 (b) An employer, employment agency, or labor organization shall not inquire into,
231.22 consider, or require disclosure from any source the pay history of an applicant for
231.23 employment for the purpose of determining wages, salary, earnings, benefits, or other
231.24 compensation for that applicant. There is a rebuttable presumption that use of pay history
231.25 received on an applicant for employment to determine the future wages, salary, earnings,
231.26 benefits, or other compensation for that applicant is an unfair discriminatory employment
231.27 practice under subdivisions 1 to 3. The general prohibition against inquiring into the pay
231.28 history of an applicant does not apply if the job applicant's pay history is a matter of public
231.29 record under federal or state law, unless the employer, employment agency, or labor
231.30 organization sought access to those public records with the intent of obtaining pay history
232.1 of the applicant for the purpose of determining wages, salary, earnings, benefits, or other
232.2 compensation for that applicant.

232.3 (c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily
232.4 and without prompting disclosing pay history for the purposes of negotiating wages, salary,
232.5 benefits, or other compensation. If an applicant for employment voluntarily and without
232.6 prompting discloses pay history to a prospective employer, employment agency, or labor
232.7 organization, nothing in this subdivision shall prohibit that employer, employment agency,
232.8 or labor organization from considering or acting on that voluntarily disclosed salary history
232.9 information to support a wage or salary higher than initially offered by the employer,
232.10 employment agency, or labor organization.

232.11 (d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a
232.12 charge, grievance, or any other cause of action alleging wage discrimination because of
232.13 race, color, creed, religion, national origin, sex, gender identity, marital status, status with
232.14 regard to public assistance, familial status, membership or activity in a local commission,
232.15 disability, sexual orientation, or age, as otherwise provided in this chapter.

232.16 (e) Nothing in this subdivision shall be construed to prevent an employer from:

232.17 (1) providing information about the wages, benefits, compensation, or salary offered in
232.18 relation to a position; or

232.19 (2) inquiring about or otherwise engaging in discussions with an applicant about the
232.20 applicant's expectations or requests with respect to wages, salary, benefits, or other
232.21 compensation.

232.22 **EFFECTIVE DATE.** This section is effective January 1, 2023. For employment covered
232.23 by collective bargaining agreements, this section is not effective until the date of
232.24 implementation of the applicable collective bargaining agreement that is after January 1,
232.25 2023.

232.26 Sec. 3. Minnesota Statutes 2020, section 363A.11, subdivision 2, is amended to read:

232.27 Subd. 2. **General prohibitions.** This subdivision lists general prohibitions against
232.28 discrimination on the basis of disability. For purposes of this subdivision, "individual" or
232.29 "class of individuals" refers to the clients or customers of the covered public accommodation
232.30 that enter into the contractual, licensing, or other arrangement.

232.31 (1) It is discriminatory to:

233.1 (i) subject an individual or class of individuals on the basis of a disability of that
233.2 individual or class, directly or through contractual, licensing, or other arrangements, to a
233.3 denial of the opportunity of the individual or class to participate in or benefit from the goods,
233.4 services, facilities, privileges, advantages, or accommodations of an entity;

233.5 (ii) afford an individual or class of individuals on the basis of the disability of that
233.6 individual or class, directly or through contractual, licensing, or other arrangements, with
233.7 the opportunity to participate in or benefit from the goods, services, facilities, privileges,
233.8 advantages, or accommodations that are not equal to those afforded to other individuals;
233.9 ~~and~~

233.10 (iii) provide an individual or class of individuals, on the basis of a disability of that
233.11 individual or class, directly or through contractual, licensing, or other arrangements, with
233.12 goods, services, facilities, privileges, advantages, or accommodations that are different or
233.13 separate from those provided to other individuals, unless the action is necessary to provide
233.14 the individual or class of individuals with goods, services, facilities, privileges, advantages,
233.15 or accommodations, or other opportunities that are as effective as those provided to others;
233.16 and

233.17 (iv) not provide a deaf or hard-of-hearing individual or class of deaf or hard-of-hearing
233.18 individuals with closed-captioned television when television services are provided to other
233.19 individuals.

233.20 (2) Goods, services, facilities, privileges, advantages, and accommodations must be
233.21 afforded to an individual with a disability in the most integrated setting appropriate to the
233.22 needs of the individual.

233.23 (3) Notwithstanding the existence of separate or different programs or activities provided
233.24 in accordance with sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the individual
233.25 with a disability may not be denied the opportunity to participate in the programs or activities
233.26 that are not separate or different.

233.27 (4) An individual or entity may not, directly or through contractual or other arrangements,
233.28 use standards or criteria and methods of administration:

233.29 (i) that have the effect of discriminating on the basis of disability; or

233.30 (ii) that perpetuate the discrimination of others who are subject to common administrative
233.31 control.

233.32 **EFFECTIVE DATE.** This section is effective August 1, 2023.

234.1 Sec. 4. Minnesota Statutes 2020, section 363A.21, subdivision 1, is amended to read:

234.2 Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:

234.3 (1) rooms in a temporary or permanent residence home run by a nonprofit organization,
234.4 if the discrimination is by sex; or

234.5 (2) the rental by a resident owner or occupier of a one-family accommodation of a room
234.6 or rooms in the accommodation to another person or persons if the discrimination is by sex,
234.7 marital status, status with regard to public assistance, sexual orientation, or disability. Except
234.8 as provided elsewhere in this chapter or other state or federal law, no person or group of
234.9 persons selling, renting, or leasing property is required to modify the property in any way,
234.10 or exercise a higher degree of care for a person having a disability than for a person who
234.11 does not have a disability; nor shall this chapter be construed to relieve any person or persons
234.12 of any obligations generally imposed on all persons regardless of any disability in a written
234.13 lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on
234.14 the inability to fulfill the terms and conditions, including financial obligations of the lease,
234.15 agreement, or contract; ~~or.~~

234.16 ~~(3) the rental by a resident owner of a unit in a dwelling containing not more than two~~
234.17 ~~units, if the discrimination is on the basis of sexual orientation.~~

234.18 Sec. 5. Minnesota Statutes 2021 Supplement, section 363A.50, is amended to read:

234.19 **363A.50 NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.**

234.20 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
234.21 the meanings given unless the context clearly requires otherwise.

234.22 (b) "Anatomical gift" has the meaning given in section 525A.02, subdivision 4.

234.23 (c) "Auxiliary aids and services" include, but are not limited to:

234.24 (1) qualified interpreters or other effective methods of making aurally delivered materials
234.25 available to individuals with hearing impairments and to non-English-speaking individuals;

234.26 (2) qualified readers, taped texts, texts in accessible electronic format, or other effective
234.27 methods of making visually delivered materials available to individuals with visual
234.28 impairments;

234.29 (3) the provision of information in a format that is accessible for individuals with
234.30 cognitive, neurological, developmental, intellectual, or physical disabilities;

234.31 (4) the provision of supported decision-making services; and

235.1 (5) the acquisition or modification of equipment or devices.

235.2 (d) "Covered entity" means:

235.3 (1) any licensed provider of health care services, including licensed health care
235.4 practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric
235.5 residential treatment facilities, institutions for individuals with intellectual or developmental
235.6 disabilities, and prison health centers; or

235.7 (2) any entity responsible for matching anatomical gift donors to potential recipients.

235.8 (e) "Disability" has the meaning given in section 363A.03, subdivision 12.

235.9 (f) "Organ transplant" means the transplantation or infusion of a part of a human body
235.10 into the body of another for the purpose of treating or curing a medical condition.

235.11 (g) "Qualified individual" means an individual who, with or without available support
235.12 networks, the provision of auxiliary aids and services, or reasonable modifications to policies
235.13 or practices, meets the essential eligibility requirements for the receipt of an anatomical
235.14 gift.

235.15 (h) "Reasonable modifications" include, but are not limited to:

235.16 (1) communication with individuals responsible for supporting an individual with
235.17 postsurgical and post-transplantation care, including medication; and

235.18 (2) consideration of support networks available to the individual, including family,
235.19 friends, and home and community-based services, including home and community-based
235.20 services funded through Medicaid, Medicare, another health plan in which the individual
235.21 is enrolled, or any program or source of funding available to the individual, in determining
235.22 whether the individual is able to comply with post-transplant medical requirements.

235.23 (i) "Supported decision making" has the meaning given in section 524.5-102, subdivision
235.24 16a.

235.25 Subd. 2. **Prohibition of discrimination.** (a) A covered entity may not, on the basis of
235.26 a qualified individual's race, ethnicity, mental disability, or physical disability:

235.27 (1) deem an individual ineligible to receive an anatomical gift or organ transplant;

235.28 (2) deny medical or related organ transplantation services, including evaluation, surgery,
235.29 counseling, and postoperative treatment and care;

235.30 (3) refuse to refer the individual to a transplant center or other related specialist for the
235.31 purpose of evaluation or receipt of an anatomical gift or organ transplant;

236.1 (4) refuse to place an individual on an organ transplant waiting list or place the individual
236.2 at a lower-priority position on the list than the position at which the individual would have
236.3 been placed if not for the individual's race, ethnicity, or disability; or

236.4 (5) decline insurance coverage for any procedure associated with the receipt of the
236.5 anatomical gift or organ transplant, including post-transplantation and postinfusion care.

236.6 (b) Notwithstanding paragraph (a), a covered entity may take an individual's disability
236.7 into account when making treatment or coverage recommendations or decisions, solely to
236.8 the extent that the physical or mental disability has been found by a physician, following
236.9 an individualized evaluation of the potential recipient to be medically significant to the
236.10 provision of the anatomical gift or organ transplant. The provisions of this section may not
236.11 be deemed to require referrals or recommendations for, or the performance of, organ
236.12 transplants that are not medically appropriate given the individual's overall health condition.

236.13 (c) If an individual has the necessary support system to assist the individual in complying
236.14 with post-transplant medical requirements, an individual's inability to independently comply
236.15 with those requirements may not be deemed to be medically significant for the purposes of
236.16 paragraph (b).

236.17 (d) A covered entity must make reasonable modifications to policies, practices, or
236.18 procedures, when such modifications are necessary to make services such as
236.19 transplantation-related counseling, information, coverage, or treatment available to qualified
236.20 individuals with disabilities, unless the entity can demonstrate that making such modifications
236.21 would fundamentally alter the nature of such services.

236.22 (e) A covered entity must take such steps as may be necessary to ensure that no qualified
236.23 individual with a disability is denied services such as transplantation-related counseling,
236.24 information, coverage, or treatment because of the absence of auxiliary aids and services,
236.25 unless the entity can demonstrate that taking such steps would fundamentally alter the nature
236.26 of the services being offered or result in an undue burden. A covered entity is not required
236.27 to provide supported decision-making services.

236.28 (f) A covered entity must otherwise comply with the requirements of Titles II and III of
236.29 the Americans with Disabilities Act of 1990, the Americans with Disabilities Act
236.30 Amendments Act of 2008, and the Minnesota Human Rights Act.

236.31 (g) The provisions of this section apply to each part of the organ transplant process.

237.1 Subd. 3. **Remedies.** In addition to all other remedies available under this chapter, any
237.2 individual who has been subjected to discrimination in violation of this section may initiate
237.3 a civil action in a court of competent jurisdiction to enjoin violations of this section.

237.4 Sec. 6. **REPEALER.**

237.5 Minnesota Statutes 2020, sections 363A.20, subdivision 3; and 363A.27, are repealed.