

By: Senator(s) Simmons (12th)

To: Judiciary, Division A;
Labor

SENATE BILL NO. 2549

1 AN ACT TO CREATE THE MISSISSIPPI CIVIL RIGHTS ACT; TO PROVIDE
2 THAT THE RIGHT OF A PERSON TO BE FREE FROM DISCRIMINATION BECAUSE
3 OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, IMMIGRANT STATUS, SEX,
4 SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, OR FAMILIAL
5 STATUS IS A CIVIL RIGHT; TO PROVIDE REMEDIES FOR VIOLATIONS; AND
6 FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** For the purposes of this act, the following terms
9 shall have the following meanings:

10 (a) "Religion" means aspects of religious belief,
11 observance, and practice.

12 (b) "National origin" means an individual's or the
13 individual's ancestor's place of origin.

14 (c) "Immigrant status" means a representation made by
15 an individual, or determination made by the appropriate government
16 authority, that an individual present in the United States is not
17 a citizen or national of the United States. This status would
18 also indicate whether the individual was in the United States with
19 or without authorization.



(d) "Sexual orientation" means actual or perceived homosexuality, heterosexuality, or bisexuality.

(e) "Gender identity" means the actual or perceived gender-related identity, expression, appearance, or mannerisms or other gender-related characteristics of an individual, regardless of the designated sex at birth of the individual.

(f) "Disability" means a physical or mental impairment that substantially limits a major life function. The term does not include any of the following:

(i) Compulsive gambling, kleptomania, or pyromania;

(ii) Current use of illegal drugs or psychoactive substance use disorder resulting from illegal use of drugs; and

(iii) Alcoholism.

(g) "Familial status" means one or more individuals who have not attained the age of eighteen (18) years being domiciled with:

(i) A parent or another person having legal custody of the individual or individuals; or

(ii) The designee of the parent or other person having custody, with the written permission of the parent or other person.

The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or is in



44 the process of securing legal custody of any individual who has
45 not attained the age of eighteen (18) years.

46 (h) "Compensatory damages" means damages for mental
47 anguish, loss of dignity, and other intangible injuries. The term
48 does not include punitive damages.

49 (i) "Punitive damages" means damages for malicious or
50 heinous and intentional actions or inactions.

51 (j) "Employee" does not include any of the following:

52 (i) Any individual employed by his or her parents,
53 spouse, or child;

54 (ii) An individual participating in a specialized
55 employment training program conducted by a nonprofit sheltered
56 workshop or rehabilitation facility; and

57 (iii) An individual employed outside of this
58 state.

59 (k) "Employer" means a person who employs nine (9) or
60 more employees in the state for twenty (20) or more calendar weeks
61 in the current or preceding calendar year, or any agent of an
62 employer.

63 (l) "Place of public resort, accommodation, assemblage,
64 or amusement" means any place, store, or other establishment,
65 either licensed or unlicensed, that supplies accommodations,
66 goods, or services to the general public, or that solicits or
67 accepts the patronage or trade of the general public, or that is



supported directly or indirectly by government funds. The term does not include any of the following:

(i) Any lodging establishment which contains not more than five (5) rooms for rent and which is actually occupied by the proprietor of such establishment as a residence;

(ii) Any private club or other establishment not in fact open to the public; and

(iii) House of worship.

(m) "Educational institution" means any public educational institution, including any academy, college, elementary or secondary school, extension course, charter school, magnet school, kindergarten, nursery, school district, university, professional school, or vocational school.

SECTION 2. (1) The right of an otherwise qualified person to be free from discrimination, defined as the denial of equal treatment or equal protection to persons in a similar situation because of race, color, religion, national origin, immigrant status, sex, sexual orientation, gender identity, disability, or familial status, is recognized as and declared to be a civil right. This right shall include, but not limited to, all of the following:

(a) The right to obtain and hold employment without discrimination.

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place



93 of public resorts, accommodation, assemblage, or amusement without
94 discrimination.

95 (c) The right to engage in property transactions,
96 including to obtain housing, without discrimination.

97 (d) The right to engage in credit and other contractual
98 transactions without discrimination.

99 (e) The right to the full enjoyment of any of the
100 accommodations, advantages, facilities, or privileges of an
101 educational institution without discrimination.

102 (2) Any person who is injured by an intentional act of
103 discrimination in violation of subsection (1)(b) through (e) of
104 this section may file a civil action in a court of competent
105 jurisdiction to enjoin further violations, to recover compensatory
106 and punitive damages, and, in the discretion of the court, to
107 recover the cost of litigation and reasonable attorney's fees.

108 (3) (a) (i) Any individual who is injured by employment
109 discrimination by an employer in violation of subsection (1)(a) of
110 this section may file a civil action in a court of competent
111 jurisdiction, which may issue an order prohibiting the
112 discriminatory practices and provide affirmative relief from the
113 effects of the practices, and award back pay, interest on back
114 pay, and, at the discretion of the court, the cost of litigation
115 and reasonable attorney's fees; and

116 (ii) No liability for back pay shall accrue from a
117 date more than two (2) years before the filing of an action.



118 (b) In addition to the remedies under paragraph (a)(i)
119 of this subsection, any individual who is injured by intentional
120 discrimination by an employer in violation of subsection (1)(a) of
121 this section shall be entitled to recover compensatory damages and
122 punitive damages.

123 (4) Subsection (1)(a) of this section does not apply to the
124 employment of an individual of a particular religion by a
125 religious corporation, association, or society to perform work
126 connected with the performance of religious activities by the
127 corporation, association, or society.

128 (5) This act may not be construed to limit any other
129 remedies available under law.

130 **SECTION 3.** This act shall take effect and be in force from
131 and after July 1, 2020.

