

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3614

02/23/2026 Authored by Agbaje, Liebling, Hollins, Frazier, Finke and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to human rights; changing provisions for disparate impact under the Human
1.3 Rights Act; amending Minnesota Statutes 2024, section 363A.28, subdivision 10.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2024, section 363A.28, subdivision 10, is amended to read:

1.6 Subd. 10. Disparate impact eases in employment. If the complaining party has met
1.7 its burden of showing that an employment practice is responsible for a statistically significant
1.8 adverse impact on a particular class of persons protected by section 363A.08, subdivision
1.9 2, an employer must justify that practice by demonstrating that the practice is manifestly
1.10 related to the job or significantly furthers an important business purpose. Upon establishment
1.11 of this justification, the charging party may prevail upon demonstration of the existence of
1.12 a comparably effective practice that the court finds would cause a significantly lesser adverse
1.13 impact on the identified protected class. (a) The Minnesota Human Rights Act imposes
1.14 liability under sections 363A.08 and 363A.09 for practices that have a discriminatory effect,
1.15 regardless of intent. A practice has a discriminatory effect when the practice actually or
1.16 predictably results in a disparate impact on a particular class of persons protected by sections
1.17 363A.08 and 363A.09 or creates, increases, reinforces, or perpetuates segregated housing
1.18 patterns.

1.19 (b) A practice predictably results in a disparate impact when there is evidence that the
1.20 practice will result in a disparate impact even though the practice has not yet been
1.21 implemented. A single person may pursue a claim based upon a practice that has disparate
1.22 impact on a group of individuals if that person has been injured by the practice. If the
1.23 commissioner or such person who may bring an action demonstrates that a group of policies

2.1 or practices results in a disparate impact, the commissioner or such person shall not be
2.2 required to demonstrate which specific policies or practices within the group results in the
2.3 disparate impact. Practices that have a discriminatory effect may still be lawful if the practice
2.4 is necessary to achieve one or more substantial, legitimate, nondiscriminatory purposes and
2.5 there is no feasible alternative practice that would equally or better accomplish the identified
2.6 purpose with a less discriminatory effect.

2.7 (c) A practice of using artificial intelligence has a discriminatory effect when the practice
2.8 actually or predictably results in a disparate impact on a particular class of persons protected
2.9 by sections 363A.08 and 363A.09 or creates, increases, reinforces, or perpetuates segregated
2.10 housing patterns.