

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 1886

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DATE	D-PG	OFFICIAL STATUS
02/20/2023	909	Introduction and first reading
		Referred to Judiciary and Public Safety
03/02/2023		Comm report: To pass as amended
		Second reading

1.1 A bill for an act

1.2 relating to human rights; removing certain sections in the human rights act that

1.3 allow for discrimination based on sexual orientation; amending Minnesota Statutes

1.4 2022, sections 363A.03, subdivision 44, by adding a subdivision; 363A.21,

1.5 subdivision 1; repealing Minnesota Statutes 2022, sections 363A.20, subdivision

1.6 3; 363A.27.

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

1.8 Section 1. Minnesota Statutes 2022, section 363A.03, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 50. **Gender identity.** "Gender identity" means a person's inherent sense of being

1.11 a man, woman, both, or neither. A person's gender identity may or may not correspond to

1.12 their assigned sex at birth or to their primary or secondary sex characteristics. A person's

1.13 gender identity is not necessarily visible to others.

1.14 Sec. 2. Minnesota Statutes 2022, section 363A.03, subdivision 44, is amended to read:

1.15 Subd. 44. **Sexual orientation.** "Sexual orientation" means having or being perceived as

1.16 having an emotional, physical, or sexual attachment to another person without regard to the

1.17 sex of that person or having or being perceived as having an orientation for such attachment;

1.18 ~~or having or being perceived as having a self-image or identity not traditionally associated~~

1.19 ~~with one's biological maleness or femaleness. "Sexual orientation" does not include a physical~~

1.20 ~~or sexual attachment to children by an adult.~~

1.21 Sec. 3. Minnesota Statutes 2022, section 363A.21, subdivision 1, is amended to read:

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

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

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

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

2.16 Sec. 4. **REPEALER.**

2.17 Minnesota Statutes 2022, sections 363A.20, subdivision 3; and 363A.27, are repealed.

**363A.20 EXEMPTION BASED ON EMPLOYMENT.**

Subd. 3. **Nonpublic service organization.** The provisions of section 363A.08 shall not apply to a nonpublic service organization whose primary function is providing occasional services to minors, such as youth sports organizations, scouting organizations, boys' or girls' clubs, programs providing friends, counselors, or role models for minors, youth theater, dance, music or artistic organizations, agricultural organizations for minors, including 4-H clubs, and other youth organizations, with respect to qualifications of employees or volunteers based on sexual orientation.

**363A.27 CONSTRUCTION OF LAW.**

Nothing in this chapter shall be construed to:

- (1) mean the state of Minnesota condones homosexuality or bisexuality or any equivalent lifestyle;
- (2) authorize or permit the promotion of homosexuality or bisexuality in education institutions or require the teaching in education institutions of homosexuality or bisexuality as an acceptable lifestyle;
- (3) authorize or permit the use of numerical goals or quotas, or other types of affirmative action programs, with respect to homosexuality or bisexuality in the administration or enforcement of the provisions of this chapter; or
- (4) authorize the recognition of or the right of marriage between persons of the same sex.