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AN ACT

RELATING TO HUMAN RIGHTS; AMENDING A SECTION OF THE HUMAN RIGHTS ACT TO INCLUDE SEXUAL ORIENTATION AND GENDER IDENTITY AMONG CLASSES PROTECTED FROM UNLAWFUL DISCRIMINATION BY ALL EMPLOYERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 28-1-7 NMSA 1978 (being Laws 1969, Chapter 196, Section 7, as amended) is amended to read:

"28-1-7. UNLAWFUL DISCRIMINATORY PRACTICE.--It is an unlawful discriminatory practice for:

A. an employer, unless based on a bona fide occupational qualification or other statutory prohibition, to refuse to hire, to discharge, to promote or demote or to discriminate in matters of compensation, terms, conditions or privileges of employment against any person otherwise qualified because of race, age, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, physical or mental handicap or serious medical condition, or, if the employer has fifty or more employees, spousal affiliation; provided, however, that 29 U.S.C. Section 631(c)(1) and (2) shall apply to discrimination based on age;

B. a labor organization to exclude a person or to expel or otherwise discriminate against any of its members or against any employer or employee because of race, religion,

1 color, national origin, ancestry, sex, sexual orientation,
2 gender identity, spousal affiliation, physical or mental
3 handicap or serious medical condition;

4 C. any employer, labor organization or joint
5 apprenticeship committee to refuse to admit or employ any
6 person in any program established to provide an
7 apprenticeship or other training or retraining because of
8 race, religion, color, national origin, ancestry, sex, sexual
9 orientation, gender identity, physical or mental handicap or
10 serious medical condition, or, if the employer has fifty or
11 more employees, spousal affiliation;

12 D. any person, employer, employment agency or
13 labor organization to print or circulate or cause to be
14 printed or circulated any statement, advertisement or
15 publication, to use any form of application for employment or
16 membership or to make any inquiry regarding prospective
17 membership or employment that expresses, directly or
18 indirectly, any limitation, specification or discrimination
19 as to race, color, religion, national origin, ancestry, sex,
20 sexual orientation, gender identity, physical or mental
21 handicap or serious medical condition, or, if the employer
22 has fifty or more employees, spousal affiliation, unless
23 based on a bona fide occupational qualification;

24 E. an employment agency to refuse to list and
25 properly classify for employment or refer a person for

1 employment in a known available job, for which the person is
2 otherwise qualified, because of race, religion, color,
3 national origin, ancestry, sex, sexual orientation, gender
4 identity, spousal affiliation, physical or mental handicap or
5 serious medical condition, unless based on a bona fide
6 occupational qualification, or to comply with a request from
7 an employer for referral of applicants for employment if the
8 request indicates, either directly or indirectly, that the
9 employer discriminates in employment on the basis of race,
10 religion, color, national origin, ancestry, sex, sexual
11 orientation, gender identity, spousal affiliation, physical
12 or mental handicap or serious medical condition, unless based
13 on a bona fide occupational qualification;

14 F. any person in any public accommodation to make
15 a distinction, directly or indirectly, in offering or
16 refusing to offer its services, facilities, accommodations or
17 goods to any person because of race, religion, color,
18 national origin, ancestry, sex, sexual orientation, gender
19 identity, spousal affiliation or physical or mental handicap;
20 provided that the physical or mental handicap is unrelated to
21 a person's ability to acquire or rent and maintain particular
22 real property or housing accommodation;

23 G. any person to:

24 (1) refuse to sell, rent, assign, lease or
25 sublease or offer for sale, rental, lease, assignment or

1 sublease any housing accommodation or real property to any
2 person or to refuse to negotiate for the sale, rental, lease,
3 assignment or sublease of any housing accommodation or real
4 property to any person because of race, religion, color,
5 national origin, ancestry, sex, sexual orientation, gender
6 identity, spousal affiliation or physical or mental handicap;
7 provided that the physical or mental handicap is unrelated to
8 a person's ability to acquire or rent and maintain particular
9 real property or housing accommodation;

10 (2) discriminate against any person in the
11 terms, conditions or privileges of the sale, rental,
12 assignment, lease or sublease of any housing accommodation or
13 real property or in the provision of facilities or services
14 in connection therewith because of race, religion, color,
15 national origin, ancestry, sex, sexual orientation, gender
16 identity, spousal affiliation or physical or mental handicap;
17 provided that the physical or mental handicap is unrelated to
18 a person's ability to acquire or rent and maintain particular
19 real property or housing accommodation; or

20 (3) print, circulate, display or mail or
21 cause to be printed, circulated, displayed or mailed any
22 statement, advertisement, publication or sign or use any form
23 of application for the purchase, rental, lease, assignment or
24 sublease of any housing accommodation or real property or to
25 make any record or inquiry regarding the prospective

1 purchase, rental, lease, assignment or sublease of any
2 housing accommodation or real property that expresses any
3 preference, limitation or discrimination as to race,
4 religion, color, national origin, ancestry, sex, sexual
5 orientation, gender identity, spousal affiliation or physical
6 or mental handicap; provided that the physical or mental
7 handicap is unrelated to a person's ability to acquire or
8 rent and maintain particular real property or housing
9 accommodation;

10 H. any person to whom application is made either
11 for financial assistance for the acquisition, construction,
12 rehabilitation, repair or maintenance of any housing
13 accommodation or real property or for any type of consumer
14 credit, including financial assistance for the acquisition of
15 any consumer good as defined by Section 55-9-102 NMSA 1978,
16 to:

17 (1) consider the race, religion, color,
18 national origin, ancestry, sex, sexual orientation, gender
19 identity, spousal affiliation or physical or mental handicap
20 of any individual in the granting, withholding, extending,
21 modifying or renewing or in the fixing of the rates, terms,
22 conditions or provisions of any financial assistance or in
23 the extension of services in connection with the request for
24 financial assistance; or

25 (2) use any form of application for

1 financial assistance or to make any record or inquiry in
2 connection with applications for financial assistance that
3 expresses, directly or indirectly, any limitation,
4 specification or discrimination as to race, religion, color,
5 national origin, ancestry, sex, sexual orientation, gender
6 identity, spousal affiliation or physical or mental handicap;

7 I. any person or employer to:

8 (1) aid, abet, incite, compel or coerce the
9 doing of any unlawful discriminatory practice or to attempt
10 to do so;

11 (2) engage in any form of threats, reprisal
12 or discrimination against any person who has opposed any
13 unlawful discriminatory practice or has filed a complaint,
14 testified or participated in any proceeding under the Human
15 Rights Act; or

16 (3) willfully obstruct or prevent any person
17 from complying with the provisions of the Human Rights Act or
18 to resist, prevent, impede or interfere with the commission
19 or any of its members, staff or representatives in the
20 performance of their duties under the Human Rights Act; or

21 J. any employer to refuse or fail to accommodate a
22 person's physical or mental handicap or serious medical
23 condition, unless such accommodation is unreasonable or an
24 undue hardship." _____