

**SENATE BILL NO. 231**

February 3, 1999, Introduced by Senators HAMMERSTROM, YOUNG,  
SHUGARS and BULLARD and referred to the Committee on  
Education.

A bill to amend 1976 PA 453, entitled  
"Elliott-Larsen civil rights act,"  
by amending sections 302 and 402 (MCL 37.2302 and 37.2402), sec-  
tion 402 as amended by 1993 PA 216.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 302. Except where permitted by law, a person shall not  
2 DO ANY OF THE FOLLOWING:

3       (a) Deny an individual the full and equal enjoyment of the  
4 goods, services, facilities, privileges, advantages, or accommo-  
5 dations of a place of public accommodation or public service  
6 because of religion, race, color, national origin, age, sex, or  
7 marital status. THIS SUBDIVISION DOES NOT AUTHORIZE OR REQUIRE A  
8 PLACE OF PUBLIC ACCOMMODATION OR PUBLIC SERVICE THAT IS AN  
9 EDUCATIONAL INSTITUTION TO ELIMINATE, OR TO REDUCE THE LEVEL OF

1 SERVICES OR NUMBER OF SCHOLARSHIPS PROVIDED FOR, AN  
2 INTERCOLLEGIATE OR INTERSCHOLASTIC ATHLETIC PROGRAM AS DESCRIBED  
3 IN SECTION 402(F).

4 (b) Print, circulate, post, mail, or otherwise cause to be  
5 published a statement, advertisement, notice, or sign ~~which~~  
6 THAT indicates that the full and equal enjoyment of the goods,  
7 services, facilities, privileges, advantages, or accommodations  
8 of a place of public accommodation or public service will be  
9 refused, withheld from, or denied an individual because of reli-  
10 gion, race, color, national origin, age, sex, or marital status,  
11 or that an individual's patronage of or presence at a place of  
12 public accommodation is objectionable, unwelcome, unacceptable,  
13 or undesirable because of religion, race, color, national origin,  
14 age, sex, or marital status.

15 Sec. 402. An educational institution shall not do any of  
16 the following:

17 (a) Discriminate against an individual in the full utiliza-  
18 tion of or benefit from the institution, or the services, activi-  
19 ties, or programs provided by the institution because of reli-  
20 gion, race, color, national origin, or sex. THIS SUBDIVISION  
21 DOES NOT AUTHORIZE OR REQUIRE AN EDUCATIONAL INSTITUTION TO ELIM-  
22 INATE, OR TO REDUCE THE LEVEL OF SERVICES OR NUMBER OF SCHOLAR-  
23 SHIPS PROVIDED FOR, AN INTERCOLLEGIATE OR INTERSCHOLASTIC ATH-  
24 LETIC PROGRAM AS DESCRIBED IN SUBDIVISION (F).

25 (b) Exclude, expel, limit, or otherwise discriminate against  
26 an individual seeking admission as a student or an individual  
27 enrolled as a student in the terms, conditions, or privileges of

1 the institution, because of religion, race, color, national  
2 origin, or sex.

3 (c) For purposes of admission only, make or use a written or  
4 oral inquiry or form of application that elicits or attempts to  
5 elicit information concerning the religion, race, color, national  
6 origin, age, sex, or marital status of a person, except as per-  
7 mitted by rule of the commission or as required by federal law,  
8 rule, or regulation, or pursuant to an affirmative action  
9 program.

10 (d) Print or publish or cause to be printed or published a  
11 catalog, notice, or advertisement indicating a preference, limi-  
12 tation, specification, or discrimination based on the religion,  
13 race, color, national origin, or sex of an applicant for admis-  
14 sion to the educational institution.

15 (e) Announce or follow a policy of denial or limitation  
16 through a quota or otherwise of educational opportunities of a  
17 group or its members because of religion, race, color, national  
18 origin, or sex.

19 (F) ELIMINATE, OR REDUCE THE LEVEL OF SERVICES OR NUMBER OF  
20 SCHOLARSHIPS PROVIDED FOR, AN INTERCOLLEGIATE OR INTERSCHOLASTIC  
21 ATHLETIC PROGRAM EXISTING AT THE EDUCATIONAL INSTITUTION AS OF  
22 THE EFFECTIVE DATE OF THIS SUBDIVISION, OR DENY TO A STUDENT THE  
23 OPPORTUNITY TO PARTICIPATE IN SUCH AN ATHLETIC PROGRAM, SOLELY TO  
24 AFFECT THE OVERALL RATIO OF MALE TO FEMALE ATHLETIC PARTICIPANTS  
25 AT THE EDUCATIONAL INSTITUTION.