

10:5-5; 10:5-12

LEGISLATIVE HISTORY CHECKLIST

(Employment discrimination--atypical hereditary, cellular or blood trait--prohibit)

NJSA 10:5-5; 10:5-12

LAWS 1981

CHAPTER 185

Bill No. S448

Sponsor(s) Lipman, Merlino and Friedland

Date Introduced Pre-filed

Committee: Assembly Labor

Senate Labor

Amended during passage Yes

~~No~~ Senate committee substitute (OCR) enacted. Amendments during passage denoted by asterisks.

Date of Passage: Assembly April 27, 1981

Senate Sept. 22, 1980

Date of approval June 22, 1981

Following statements are attached if available:

Sponsor statement Yes

~~No~~ Also attached: Senate amendments, adopted 9-22-80 (with statement)

Committee Statement: Assembly Yes

~~No~~

Senate Yes

~~No~~

Fiscal Note Yes

No

Veto Message Yes

No

Message on signing Yes

~~No~~

Following were printed:

Reports Yes

No

Hearings Yes

No

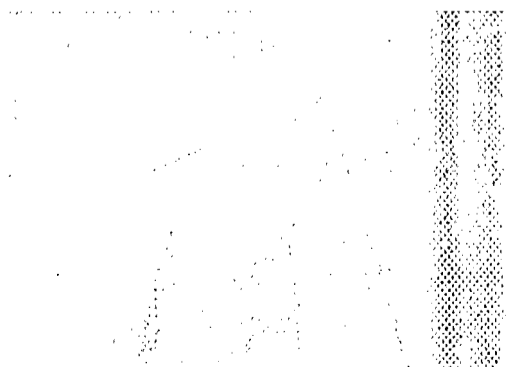
LEGISLATIVE HISTORY

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SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 448

STATE OF NEW JERSEY

ADOPTED JUNE 23, 1980

AN ACT to amend and supplement the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to read
2 as follows:

3 5. As used in this act, unless a different meaning clearly appears
4 from the context:

5 a. "Person" includes one or more individuals, partnerships,
6 associations, organizations, labor organizations, corporations, legal
7 representatives, trustees, trustees in bankruptcy, receivers, and
8 fiduciaries.

9 b. "Employment agency" includes any person undertaking to
10 procure employees or opportunities for others to work.

11 c. "Labor organization" includes any organization which exists
12 and is constituted for the purpose, in whole or in part, of collective
13 bargaining, or of dealing with employers concerning grievances,
14 terms or conditions of employment, or of other mutual aid or
15 protection in connection with employment.

16 d. "Unlawful employment practice" and "unlawful discrimina-
17 tion" includes only those unlawful practices and acts specified in
18 section 11 of this act.

19 e. "Employer" includes all persons as defined in subsection a.
20 of this section unless otherwise specifically exempt under another
21 section of this act, and includes the State, any political or civil
22 subdivision thereof, and all public officers, agencies, boards or
23 bodies.

24 f. "Employee" does not include any individual employed by his
25 parents, spouse or child, or in the domestic service of any person.

26 g. "Liability for service in the Armed Forces of the United
27 States" means subject to being ordered as an individual or member
28 of an organized unit into active service in the Armed Forces of the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

29 United States by reason of membership in the National Guard,
30 naval militia or a reserve component of the Armed Forces of the
31 United States, or subject to being inducted into such armed forces
32 through a system of national selective service.

33 h. "Division" means the "Division on Civil Rights" created by
34 this act.

35 i. "Attorney General" means the Attorney General of the State
36 of New Jersey or his representative or designee.

37 j. "Commission" means the Commission on Civil Rights created
38 by this act.

39 k. "Director" means the Director of the Division on Civil
40 Rights.

41 l. "A place of public accommodation" shall include, but not be
42 limited to: any tavern, roadhouse, hotel, motel, trailer camp, sum-
43 mer camp, day camp, or resort camp, whether for entertainment
44 of transient guests or accommodation of those seeking health, rec-
45 reation or rest; any producer, manufacturer, wholesaler, distrib-
46 utor, retail shop, store, establishment, or concession dealing with
47 goods or services of any kind; any restaurant, eating house, or place
48 where food is sold for consumption on the premises; any place
49 maintained for the sale of ice cream, ice and fruit preparations or
50 their derivatives, soda water or confections, or where any beverages
51 of any kind are retailed for consumption on the premises; any
52 garage, any public conveyance operated on land or water, or in the
53 air, any stations and terminals thereof; any bathhouse, boardwalk,
54 or seashore accommodation; any auditorium, meeting place, or hall;
55 any theatre, motion-picture house, music hall, roof garden, skating
56 rink, swimming pool, amusement and recreation park, fair, bowling
57 alley, gymnasium, shooting gallery, billiard and pool parlor, or
58 other place of amusement; any comfort station; any dispensary,
59 clinic or hospital; any public library; any kindergarten, primary
60 and secondary school, trade or business school, high school, acad-
61 emy, college and university, or any educational institution under
62 the supervision of the State Board of Education, or the Commis-
63 sioner of Education of the State of New Jersey. Nothing herein
64 contained shall be construed to include or to apply to any institu-
65 tion, bona fide club, or place of accommodation, which is in its
66 nature distinctly private; nor shall anything herein contained apply
67 to any educational facility operated or maintained by a bona fide
68 religious or sectarian institution, and the right of a natural parent
69 or one in loco parentis to direct the education and upbringing of a
70 child under his control is hereby affirmed; nor shall anything herein
71 contained be construed to bar any private secondary or post-

72 secondary school from using in good faith criteria other than race,
73 creed, color, natural origin or ancestry, in the admission of
74 students.

75 m. "A publicly assisted housing accommodation" shall include
76 all housing built with public funds or public assistance pursuant to
77 P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949,
78 c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L.
79 1949, c. 184, and all housing financed in whole or in part by a loan,
80 whether or not secured by a mortgage, the repayment of which is
81 guaranteed or insured by the Federal Government or any agency
82 thereof.

83 n. The term "real property" includes real estate, lands, tene-
84 ments and hereditaments, corporeal, and incorporeal, and lease-
85 holds, provided however, that, except as to publicly assisted hous-
86 ing accommodations, the provisions of this act shall not apply to
87 the rental: (1) of a single apartment or flat in a two-family dwell-
88 ing, the other occupancy unit of which is occupied by the owner as
89 his residence or the household of his family at the time of such
90 rental; or (2) of a room or rooms to another person or persons by
91 the owner or occupant of a one-family dwelling occupied by him as
92 his residence or the household of his family at the time of such
93 rental. Nothing herein contained shall be construed to bar any
94 religious or denominational institution or organization, or any
95 organization operated for charitable or educational purposes,
96 which is operated, supervised or controlled by or in connection with
97 a religious organization, in the sale, lease or rental of real property,
98 from limiting admission to or giving preference to persons of the
98A same religion or denomination or from making such selection as is
98B calculated by such organization to promote the religious principles
98C for which it is established or maintained.

98D o. "Real estate broker" includes a person, firm or corporation
98E who, for a fee, commission or other valuable consideration, or by
98F reason of promise or reasonable expectation thereof, lists for sale,
98G sells, exchanges, buys or rents, or offers or attempts to negotiate a
98H sale, exchange, purchase, or rental of real estate or an interest
98I therein, or collects or offers or attempts to collect rent for the use
98J of real estate, or solicits for prospective purchasers or assists or
98K directs in the procuring of prospects or the negotiation or closing
98L of any transaction which does or is contemplated to result in the
98M sale, exchange, leasing, renting or auctioning of any real estate, or
98N negotiates, or offers or attempts or agrees to negotiate a loan
98O secured or to be secured by mortgage or other encumbrance upon
98P or transfer of any real estate for others; or any person who, for

98Q pecuniary gain or expectation of pecuniary gain conducts a public
 98R or private competitive sale of lands or any interest in lands. In the
 98S sale of lots, the term "real estate broker" shall also include any
 98T person, partnership, association or corporation employed by or on
 98U behalf of the owner or owners of lots or other parcels of real estate,
 98V at a stated salary, or upon a commission, or upon a salary and com-
 98W mission or otherwise, to sell such real estate, or any parts thereof,
 98X in lots or other parcels, and who shall sell or exchange, or offer or
 98Y attempt or agree to negotiate the sale or exchange, of any such lot
 98Z or parcel of real estate.

99 p. "Real estate salesman" includes any person who, for compen-
 99A sation, valuable consideration or commission, or other thing of
 99B value, or by reason of a promise or reasonable expectation thereof,
 99C is employed by and operates under the supervision of a licensed real
 99D estate broker to sell or offer to sell, buy or offer to buy or negotiate
 99E the purchase, sale or exchange of real estate, or offers or attempts
 99F to negotiate a loan secured or to be secured by a mortgage or other
 99G encumbrance upon or transfer of real estate, or to lease or rent, or
 99H offer to lease or rent any real estate for others, or to collect rents
 99I for the use of real estate, or to solicit for prospective purchasers
 99J or lessees of real estate, or who is employed by a licensed real
 99K estate broker to sell or offer to sell lots or other parcels of real
 99L estate, at a stated salary, or upon a commission, or upon a salary
 99M and commission, or otherwise to sell real estate, or any parts
 99N thereof, in lots or other parcels.

99O q. "Handicapped" means suffering from physical disability,
 99P infirmity, malformation or disfigurement which is caused by bodily
 99Q injury, birth defect or illness including epilepsy, and which shall
 99R include, but not be limited to, any degree of paralysis, amputation,
 99S lack of physical coordination, blindness or visual impediment, deaf-
 99T ness or hearing impediment, muteness or speech impediment
 99U or physical reliance on a *~~seeing eye or~~* guide dog, wheelchair,
 99V or other remedial appliance or device, or from any mental,
 99W psychological or developmental disability resulting from
 99X anatomical, psychological, physiological or neurological condi-
 99Y tions which prevents the normal exercise of any bodily or mental
 100 functions or is demonstrable, medically or psychologically, by
 101 accepted clinical or laboratory diagnostic techniques.

102 r. "Blind person" means any individual whose central visual
 103 acuity does not exceed 20/200 in the better eye with correcting lens
 104 or whose visual acuity is better than 20/200 if accompanied by a
 105 limit to the field of vision in the better eye to such a degree that its
 106 widest diameter subtends an angle of no greater than 20 degrees.

107 s. "Guide dog" means a dog **used to assist deaf persons or**
 108 which fitted with a special harness so as to be suitable as an aid to
 109 the mobility of a blind person, and is used by a blind person who has
 110 satisfactorily completed a specific course of training in the use of
 111 **such** a dog **[as an aid to personal travel]**, and has been trained
 112 by an organization generally recognized by agencies involved in
 113 the rehabilitation of the blind **or deaf** as reputable and competent
 113A to provide dogs with training of this type.

114 t. "Guide dog trainer" means any person who is employed by an
 115 organization generally recognized by agencies involved in the
 116 rehabilitation of the blind **or deaf** as reputable and competent to
 117 provide dogs with training, and who is actually involved in the
 118 training process.

119 u. "Housing accommodation" means any publicly assisted hous-
 120 ing accommodation or any real property, or portion thereof, which
 121 is used or occupied, or is intended, arranged, or designed to be used
 122 or occupied, as the home, residence or sleeping place of one or more
 123 persons, but shall not include any single family residence the
 124 occupants of which rent, lease, or furnish for compensation not
 125 more than one room therein.

126 v. "Public facility" means any place of public accommodation
 127 and any street, highway, sidewalk, walkway, public building, and
 128 any other place or structure to which the general public is regularly,
 129 normally or customarily permitted or invited.

129A **w. "Deaf person" means any person whose hearing is so*
 129B *severely impaired that he is unable to hear and understand nor-*
 129C *mal conversational speech through the the unaided ear alone, and*
 129D *who must depend primarily on supportive device or visual com-*
 129E *munication such as writing, lip reading, sign language, and ges-*
 129F *tures.**

130 **[w.]* *x.* "Atypical hereditary cellular or blood trait" means*
 131 *sickle cell trait, hemoglobin C trait, thalassemia trait, tay-sachs*
 132 *trait, or cystic fibrosis trait.*

133 **[x.]* *y.* "Sickle cell trait" means the condition wherein the*
 134 *major natural hemoglobin components present in the blood of the*
 135 *individual are hemoglobin A (normal) and hemoglobin S (sickle*
 136 *hemoglobin) as defined by standard chemical and physical analytic*
 137 *techniques, including electrophoresis; and the proportion of hemo-*
 138 *globin A is greater than the proportion of hemoglobin S or one*
 139 *natural parent of the individual is shown to have only normal*
 140 *hemoglobin components (hemoglobin A, hemoglobin A2, hemo-*
 141 *globin F) in the normal proportions by standard chemical and*
 142 *physical analytic tests.*

143 ***[y.]*** *z.* “Hemoglobin C trait” means the condition wherein
 144 the major natural hemoglobin components present in the blood of
 145 the individual are hemoglobin A (normal) and hemoglobin C as
 146 defined by standard chemical and physical analytic techniques, in-
 147 cluding electrophoresis; and the proportion of hemoglobin A is
 148 greater than the proportion of hemoglobin C or one natural parent
 149 of the individual is shown to have only normal hemoglobin com-
 150 ponents (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
 151 proportions by standard chemical and physical analytic tests.

152 ***[z.]*** *aa.* “Thalassemia trait” means the presence of the
 153 thalassemia gene which in combination with another similar gene
 154 results in the chronic hereditary disease Cooley’s Anemia.

155 ***[aa.]*** *bb.* “Tay-Sachs trait” means the presence of the tay-
 156 sachs gene which in combination with another similar gene results
 157 in the chronic hereditary disease tay-sachs.

158 ***[bb.]*** *cc.* “Cystic Fibrosis trait” means the presence of the
 159 cystic fibrosis gene which in combination with another similar gene
 160 results in the chronic hereditary disease cystic fibrosis.

1 2. Section 11 of P. L. 1945, c. 169 (C. 10:5-12) is amended to
 2 read as follows:

3 11. It shall be unlawful employment practice, or, as the case may
 4 be, an unlawful discrimination:

4a a. For an employer, because of the race, creed, color, national
 5 origin, ancestry, age, marital status **[or]**, sex or atypical
 6 hereditary cellular or blood trait of any individual, or because
 7 of the liability for service in the Armed Forces of the United
 8 States or the nationality of any individual, to refuse to hire
 9 or employ or to bar or to discharge from employment such indi-
 10 vidual or to discriminate against such individual in compensation
 11 or in terms, conditions or privileges of employment; provided,
 12 however, it shall not be an unlawful employment practice to refuse
 13 to accept for employment an applicant who has received a notice
 14 of induction or orders to report for active duty in the armed forces;
 15 provided further that nothing herein contained shall be construed
 16 to bar an employer from refusing to accept for employment any
 17 person on the basis of sex in those certain circumstances where sex
 18 is a bona fide occupational qualification, reasonably necessary to the
 19 normal operation of the particular business or enterprise; provided
 20 further that it shall not be an unlawful employment practice for a
 21 club exclusively social or fraternal to use club membership as a
 22 uniform qualification for employment, or for a religious association
 23 or organization to utilize religious affiliation as a uniform qualifica-
 24 tion in the employment of clergy, religious teachers or other em-

25 ployees engaged in the religious activities of the association or
26 organizations, or in following the tenets of its religion in establish-
27 ing and utilizing criteria for employment of an employer; and
28 provided further that an employer may restrict employment to
29 citizens of the United States were such restriction is required
30 by Federal law or is otherwise necessary to protect the national
31 interest.

32 b. For a labor organization, because of the race, creed, color,
33 national origin, ancestry, age, marital status or sex of any
34 individual, or because of the liability for service in the Armed
35 Forces of the United States or nationality of any individual,
36 to exclude or to expel from its membership such individual or to
37 discriminate in any way against any of its members, against any
38 applicant for, or individual included in, any apprentice or other
39 training program or against any employer or any individual em-
40 ployed by an employer; provided, however, that nothing herein
41 contained shall be construed to bar a labor organization from
42 excluding from its apprentice or other training programs any
43-44 person on the basis of sex in those certain circumstances where sex
45 is a bona fide occupational qualification reasonably necessary
46 to the normal operation of the particular apprentice or other
47 training program.

48 c. For any employer or employment agency to print or circulate
49 or cause to be printed or circulated any statement, advertisement
50 or publication, or to use any form of application for employment,
51 or to make an inquiry in connection with prospective employment,
52 which expresses, directly or indirectly, any limitation, specification
53 or discrimination as to race, creed, color, national origin, ancestry,
54 age, marital status or sex or liability of any applicant for employ-
55 ment for service in the Armed Forces of the United States, or
56 any intent to make any such limitation, specification or discrim-
57 ination, unless based upon a bona fide occupational qualification.

58 d. For any person to take reprisals against any person because
59 he has opposed any practices or acts forbidden under this act or
60 because he has filed a complaint, testified or assisted in any pro-
61 ceeding under this act.

62 e. For any person, whether an employer or an employee or not,
63 to aid, abet, incite, compel or coerce the doing of any of the acts
64 forbidden under this act, or to attempt to do so.

65 f. For any owner, lessee, proprietor, manager, superintendent,
66 agent, or employee of any place of public accommodation directly
67 or indirectly to refuse, withhold from or deny to any person any

68 of the accommodations, advantages, facilities or privileges thereof,
69 or to discriminate against any person in the furnishing thereof,
70 or directly or indirectly to publish, circulate, issue, display, post or
71 mail any written or printed communication, notice, or advertise-
72 ment to the effect that any of the accommodations, advantages,
73 facilities, or privileges of any such place will be refused, withheld
74 from, or denied to any person on account of the race, creed, color,
75 national origin, ancestry, marital status, sex or nationality
76 of such person, or that the patronage or custom thereof of any
77 person of any particular race, creed, color, national origin, ancestry,
78 marital status, sex or nationality is unwelcome, objectionable or
79 not acceptable, desired or solicited, and the production of any
80 such written or printed communication, notice or advertisement,
81 purporting to relate to any such place and to be made by any
82 owner, lessee, proprietor, superintendent or manager thereof, shall
83 be presumptive evidence in any action that the same was authorized
84 by such person; provided, however, that nothing contained herein
85 shall be construed to bar any place of public accommodation which
86 is in its nature reasonably restricted exclusively to individuals
87 of one sex, and which shall include but not be limited to any summer
88 camp, day camp, or resort camp, bathhouse, dressing room, swim-
89 ming pool, gymnasium, comfort station, dispensary, clinic or
90 hospital, or school or educational institution which is restricted
91 exclusively to individuals of one sex, from refusing, withholding
92 from or denying to any individual of the opposite sex any of the
93 accommodations, advantages, facilities or privileges thereof on the
94 basis of sex; provided further, that the foregoing limitation shall
95 not apply to any restaurant as defined in R. S. 33:1-1 or place
96 where alcoholic beverages are served.

97 g. For the owner, lessee, sublessee, assignee or managing agent
98 of, or other person having the right of ownership or possession of
99 or the right to sell, rent, lease, assign, or sublease any real property
100 or part or portion thereof, or any agent or employee of any of these:

101 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise
102 to deny to or withhold from any person or group of persons any
103 real property or part or portion thereof because of the race, creed,
104 color, national origin, ancestry, marital status, sex or nationality
105 of such person or group of persons;

106 (2) To discriminate against any person or group of persons be-
107 cause of the race, creed, color, national origin, marital status
108 or sex of such person or group of persons in the terms, conditions
109 or privileges of the sale, rental or lease of any real property or part

110 or portion thereof or in the furnishing of facilities or services in
111 connection therewith; or

112 (3) To print, publish, circulate, issue, display, post or mail, or
113 cause to be printed, published, circulated, issued, displayed, posted
114 or mailed any statement, advertisement, publication or sign, or to
115 use any form of application for the purchase, rental, lease, assign-
116 ment or sublease of any real property or part or portion thereof,
117 or to make any record or inquiry in connection with the prospective
118 purchase, rental, lease, assignment, or sublease of any real prop-
119 erty, or part or portion thereof which expresses, directly or in-
120 directly, any limitation, specification or discrimination as to race,
121 creed, color, national origin, ancestry, marital status, sex or
122 nationality or any intent to make any such limitation, specification
123 or discrimination, and the production of any such statement, ad-
124 vertisement, publicity, sign, form of application, record, or inquiry
125 purporting to be made by any such person shall be presumptive
126 evidence in any action that the same was authorized by such person;
127 provided, however, that nothing contained in this subsection shall
128 be construed to bar any person from refusing to sell, rent, lease,
129 assign or sublease or from advertising or recording a qualification
130 as to sex for any room, apartment, flat in a dwelling or residential
131 facility which is planned exclusively for and occupied by individuals
132 of one sex to any individual of the exclusively opposite sex on the
133 basis of sex.

134 h. For any real estate broker, real estate salesman or employee
135 or agent thereof:

136 (1) To refuse to sell, rent, assign, lease or sublease, or offer for
137 sale, rental, lease, assignment, or sublease any real property or part
138 or portion thereof to any person or group of persons or to refuse
139 to negotiate for the sale, rental, lease, assignment, or sublease of
140 any real property or part or portion thereof to any person or group
141 of persons because of the race, creed, color, national origin, an-
142 cestry, marital status, sex or nationality of such person or group
143 of persons, or to represent that any real property or portion thereof
144 is not available for inspection, sale, rental, lease, assignment, or
145 sublease when in fact it is so available, or otherwise to deny or with-
146 hold any real property or any part or portion of facilities thereof
147 to or from any person or group of persons because of the race,
148 creed, color, national origin, ancestry, marital status, sex or
149 nationality of such person or group of persons;

150 (2) To discriminate against any person because of his race, creed,
151 color, national origin, ancestry, marital status or sex in the terms,

152 conditions or privileges of the sale, rental, lease, assignment or
153 sublease of any real property or part or portion thereof or in the
154 furnishing of facilities or services in connection therewith; or

155 (3) To print, publish, circulate, issue, display, post, or mail, or
156 cause to be printed, published, circulated, issued, displayed, posted
157 or mailed any statement, advertisement, publication or sign, or
158 to use any form of application for the purchase, rental, lease,
159 assignment, or sublease of any real property or part or portion
160 thereof or to make any record or inquiry in connection with the pro-
161 spective purchase, rental, lease, assignment, or sublease of any real
162 property or part or portion thereof which expresses, directly or
163 indirectly, any limitation, specification or discrimination as to
164 race, creed, color, national origin, ancestry, marital status, sex
165 or nationality or any intent to make any such limitation, specifi-
166 cation or discrimination, and the production of any such statement,
167 advertisement, publicity, sign, form of application, record, or
168 inquiry purporting to be made by any such person shall be pre-
169 sumptive evidence in any action that the same was authorized by
170 such person; provided, however, that nothing contained in this
171 subsection h., shall be construed to bar any person from refusing
172 to sell, rent, lease, assign or sublease or from advertising or
173 recording a qualification as to sex for any room, apartment, flat
174 in a dwelling or residential facility which is planned exclusively
175 for and occupied exclusively by individuals of one sex to any in-
176 dividual of the opposite sex on the basis of sex.

177 i. For any person, bank, banking organization, mortgage com-
178 pany, insurance company or other financial institution, lender or
179 credit institution to whom application is made for any loan or
180 extension of credit including but not limited to an application for
181 financial assistance for the purchase, acquisition, construction,
182 rehabilitation, repair or maintenance of any real property or part
183 or portion thereof or any agent or employee thereof:

184 (1) To discriminate against any person or group of persons
185 because of the race, creed, color, national origin, ancestry, marital
186 status, sex or nationality of such person or group of persons or
187 of the prospective occupants or tenants of such real property
188 or part or portion thereof, in the granting, withholding, extending,
189 modifying or renewing, or in the fixing of the rates, terms, con-
190 ditions or provisions of any such loan, extension of credit or
191 financial assistance or in the extension of services in connection
192 therewith; or

193 (2) To use any form of application for such loan, extension
194 of credit or financial assistance or to make record or inquiry

195 in connection with applications for any such loan, extension of
196 credit or financial assistance which expresses, directly or indirectly,
197 any limitation, specification or discrimination as to race, creed,
198 color, national origin, ancestry, marital status, sex or nationality
199 or any intent to make any such limitation, specification or discrim-
200 ination; unless otherwise required by law or regulation to retain
201 or use such information.

202 j. For any person whose activities are included within the scope
203 of this act to refuse to post or display such notices concerning the
204 rights or responsibilities of persons affected by this act as the
205 Attorney General may by regulation require.

206 k. For any real estate broker, real estate salesman or em-
207 ployee or agent thereof or any other individual, corporation, part-
208 nership, or organization, for the purpose of inducing a transaction
209 for the sale or rental of real property from which transaction such
210 person or any of its members may benefit financially, to represent
211 that a change has occurred or will or may occur in the composition
212 with respect to race, creed, color, national origin, ancestry, marital
213 status, sex or nationality of the owners or occupants in the block,
214 neighborhood or area in which the real property is located,
215 and to represent, directly or indirectly, that this change will or
216 may result in undesirable consequences in the block, neighborhood
217 or area in which the real property is located, including, but not
218 limited to the lowering of property values, an increase in criminal
219 or anti-social behavior, or a decline in the quality of schools or
220 other facilities.

221 l. For any person to refuse to buy from, sell to, lease from or to,
222 license, contract with, or trade with, provide goods, service or
223 information to, or otherwise do business with any other person on
224 the basis of the race, creed, color, national origin, ancestry, age,
225 sex, marital status, liability for service in the Armed Forces of the
226 United States, or nationality of such other person or of such other
227 person's spouse, partners, members, stockholders, directors,
228 officers, managers, superintendents, agents, employees, business
229 associates, suppliers, or customers. This subsection shall not pro-
230 hibit refusals or other actions (1) pertaining to employee-employer
231 collective bargaining, labor disputes, or unfair labor practices, or
232 (2) made or taken in connection with a protest of unlawful discrim-
233 ination or unlawful employment practices.

234 m. For any person to:

235 (1) Grant or accept any letter of credit or other document which
236 evidences the transfer of funds or credit, or enter into any con-

237 tract for the exchange of goods or services, where the letter of
238 credit, contract, or other document contains any provisions requir-
239 ing any person to discriminate against or to certify that he, she or
240 it has not dealt with any other person on the basis of the race, creed,
241 color, national origin, ancestry, age, sex, marital status, liability for
242 service in the Armed Forces of the United States, or nationality
243 of such other person or of such other person's spouse, partners,
244 members, stockholders, directors, officers, managers, superin-
245 tendents, agents, employees, business associates, suppliers, or
246 customers.

247 (2) Refuse to grant or accept any letter of credit or other docu-
248 ment which evidences the transfer of funds or credit, or refuse to
249 enter into any contract for the exchange of goods or services, on the
250 ground that it does not contain such a discriminatory provision
251 or certification.

252 The provision of this subsection shall not apply to any letter of
253 credit, contract, or other document which contains any provision
254 pertaining to employee-employer collective bargaining, a labor
255 dispute or an unfair labor practice, or made in connection with the
256 protest of unlawful discrimination or an unlawful employment
257 practice, if the other provisions of such letter of credit, contract,
258 or other document do not otherwise violate the provisions of this
259 subsection.

260 n. For any person to aid, abet, incite, compel, coerce, or induce
261 the doing of any act forbidden by subsections 11 (l) and (m) of
262 this act, or to attempt, or to conspire to do so. Such prohibited
263 conduct shall include, but not be limited to:

264 (1) Buying from, selling to, leasing from or to, licensing, con-
265 tracting with, trading with, providing goods, services, or informa-
266 tion to, or otherwise doing business with any person because that
267 person does, or agrees or attempts to do, any such act or any act
268 prohibited by this subsection (n); or

269 (2) Boycotting, commercially blacklisting or refusing to buy
270 from, sell to, lease from or to, license, contract with, provide goods,
271 services or information to, or otherwise do business with any person
272 because that person has not done or refuses to do any such act or
273 any act prohibited by this subsection (n); provided, that, this sub-
274 section (n) shall not prohibit refusals or other actions either
275 pertaining to employee-employer collective bargaining, labor dis-
276 putes, or unfair labor practices, or made or taken in connection with
277 a protest of unlawful discrimination or unlawful employment
278 practices.

1 3. This act shall take effect immediately.

SENATE, No. 448

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senators LIPMAN, MERLINO and FRIEDLAND

AN ACT to amend and supplement the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to read
2 as follows:

3 5. As used in this act, unless a different meaning clearly appears
4 from the context:

5 a. "Person" includes one or more individuals, partnerships,
6 associations, organizations, labor organizations, corporations, legal
7 representatives, trustees, trustees in bankruptcy, receivers, and
8 fiduciaries.

9 b. "Employment agency" includes any person undertaking to
10 procure employees or opportunities for others to work.

11 c. "Labor organization" includes any organization which exists
12 and is constituted for the purpose, in whole or in part, of collective
13 bargaining, or of dealing with employers concerning grievances,
14 terms or conditions of employment, or of other mutual aid or
15 protection in connection with employment.

16 d. "Unlawful employment practice" and "unlawful discrimina-
17 tion" includes only those unlawful practices and acts specified in
18 section 11 of this act.

19 e. "Employer" includes all persons as defined in subsection a.
20 of this section unless otherwise specifically exempt under another
21 section of this act, and includes the State, any political or civil sub-
22 division thereof, and all public officers, agencies, boards or bodies.

23 f. "Employee" does not include any individual employed by his
24 parents, spouse or child, or in the domestic service of any person.

25 g. "Liability for service in the Armed Forces of the United
26 States" means subject to being ordered as an individual or member
27 of an organized unit into active service in the Armed Forces of the

28 United States by reason of membership in the National Guard,
29 naval militia or a reserve component of the Armed Forces of the
30 United States, or subject to being inducted into such armed forces
31 through a system of national selective service.

32 h. "Division" means the "Division on Civil Rights" created by
33 this act.

34 i. "Attorney General" means the Attorney General of the State
35 of New Jersey or his representative or designee.

36 j. "Commission" means the Commission on Civil Rights created
37 by this act.

38 k. "Director" means the Director of the Division on Civil
39 Rights.

40 l. "A place of public accommodation" shall include, but not be
41 limited to: any tavern, roadhouse, hotel, motel, trailer camp, sum-
42 mer camp, day camp, or resort camp, whether for entertainment
43 of transient guests or accommodation of those seeking health, rec-
44 reation or rest; any producer, manufacturer, wholesaler, distrib-
45 utor, retail shop, store, establishment, or concession dealing with
46 goods or services of any kind; any restaurant, eating house, or place
47 where food is sold for consumption on the premises; and place
48 maintained for the sale of ice cream, ice and fruit preparations or
49 their derivatives, soda water or confections, or where any beverages
50 of any kind are retailed for consumption on the premises; any
51 garage, any public conveyance operated on land or water, or in the
52 air, any stations and terminals thereof; any bathhouse, boardwalk,
53 or seashore accommodation; any auditorium, meeting place, or hall;
54 any theatre, motion-picture house, music hall, roof garden, skating
55 rink, swimming pool, amusement and recreation park, fair, bowling
56 alley, gymnasium, shooting gallery, billiard and pool parlor, or
57 other place of amusement; any comfort station; any dispensary,
58 clinic or hospital; any public library; any kindergarten, primary
59 and secondary school, trade or business school, high school, acad-
60 emy, college and university, or any educational institution under
61 the supervision of the State Board of Education, or the Commis-
62 sioner of Education of the State of New Jersey. Nothing herein
63 contained shall be construed to include or to apply to any institu-
64 tion, bona fide club, or place of accommodation, which is in its
65 nature distinctly private; nor shall anything herein contained apply
66 to any educational facility operated or maintained by a bona fide
67 religious or sectarian institution, and the right of a natural parent
68 or one in loco parentis to direct the education and upbringing of a
69 child under his control is hereby affirmed; nor shall anything herein
70 contained be construed to bar any private secondary or post-

71 secondary school from using in good faith criteria other than race,
72 creed, color, national origin or ancestry, in the admission of
73 students.

74 m. "A publicly assisted housing accommodation" shall include
75 all housing built with public funds or public assistance pursuant to
76 P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949,
77 c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L.
78 1949, c. 184, and all housing financed in whole or in part by a loan,
79 whether or not secured by a mortgage, the repayment of which is
80 guaranteed or insured by the Federal Government or any agency
81 thereof.

82 n. The term "real property" includes real estate, lands, tene-
83 ments and hereditaments, corporeal, and incorporeal, and lease-
84 holds, provided however, that, except as to publicly assisted hous-
85 ing accommodations, the provisions of this act shall not apply to
86 the rental: (1) of a single apartment or flat in a two-family dwell-
87 ing, the other occupancy unit of which is occupied by the owner as
88 his residence or the household of his family at the time of such
89 rental; or (2) of a room or rooms to another person or persons by
90 the owner or occupant of a one-family dwelling occupied by him as
91 his residence or the household of his family at the time of such
92 rental. Nothing herein contained shall be construed to bar any
93 religious or denominational institution or organization, or any
94 organization operated for charitable or educational purposes,
95 which is operated, supervised or controlled by or in connection with
96 a religious organization, in the sale, lease or rental of real property,
97 from limiting admission to or giving preference to persons of the
98 same religion or denomination or from making such selection as is
99 calculated by such organization to promote the religious principles
100 for which it is established or maintained.

101 o. "Real estate broker" includes a person, firm or corporation
102 who, for a fee, commission or other valuable consideration, or by
103 reason of promise or reasonable expectation thereof, lists for sale,
104 sells, exchanges, buys or rents, or offers or attempts to negotiate a
105 sale, exchange, purchase, or rental of real estate or an interest
106 therein, or collects or offers or attempts to collect rent for the use of
107 real estate, or solicits for prospective purchasers or assists or
108 directs in the procuring of prospects or the negotiation or closing
109 of any transaction which does or is contemplated to result in the
110 sale, exchange, leasing, renting or auctioning of any real estate, or
111 negotiates, or offers or attempts or agrees to negotiate a loan
112 secured or to be secured by mortgage or other encumbrance upon
113 or transfer of any real estate for others; or any person who, for

114 pecuniary gain or expectation of pecuniary gain conducts a public
115 or private competitive sale of lands or any interest in lands. In the
116 sale of lots, the term "real estate broker" shall also include any
117 person, partnership, association or corporation employed by or on
118 behalf of the owner or owners of lots or other parcels of real estate,
119 at a stated salary, or upon a commission, or upon a salary and com-
120 mission, or otherwise, to sell such real estate, or any parts thereof,
121 in lots or other parcels, and who shall sell or exchange, or offer or
122 attempt or agree to negotiate the sale or exchange, of any such lot
123 or parcel of real estate.

124 p. "Real estate salesman" includes any person who, for compen-
125 sation, valuable consideration or commission, or other thing of
126 value, or by reason of a promise or reasonable expectation thereof,
127 is employed by and operates under the supervision of a licensed real
128 estate broker to sell or offer to sell, buy or offer to buy or negotiate
129 the purchase, sale or exchange of real estate, or offers or attempts
130 to negotiate a loan secured or to be secured by a mortgage or other
131 encumbrance upon or transfer of real estate, or to lease or rent, or
132 offer to lease or rent any real estate for others, or to collect rents
133 for the use of real estate, or to solicit for prospective purchasers
134 or lessees of real estate, or who is employed by a licensed real
135 estate broker to sell or offer to sell lots or other parcels of real
136 estate, at a stated salary, or upon a commission, or upon a salary
137 and commission, or otherwise to sell real estate, or any parts
138 thereof, in lots or other parcels.

139 q. "Handicapped" means suffering from physical disability, in-
140 firmity, malformation or disfigurement which is caused by bodily
141 injury, birth defect or illness including epilepsy, and which shall in-
142 clude, but not be limited to, any degree of paralysis, amputation, lack
143 of physical coordination, blindness or visual impediment, deafness
144 or hearing impediment, muteness or speech impediment or physical
145 reliance on a seeing eye or guide dog, wheelchair, or other remedial
146 appliance or device, or from any mental, psychological or de-
147 velopmental disability resulting from anatomical, psychological,
148 physiological or neurological conditions which prevents the nor-
149 mal exercise of any bodily or mental functions or is demonstrable,
150 medically or psychologically, by accepted clinical or laboratory
151 diagnostic techniques.

152 r. "Blind person" means any individual whose central visual
153 acuity does not exceed 20/200 in the better eye with correcting lens
154 or whose visual acuity is better than 20/200 if accompanied by a
155 limit to the field of vision in the better eye to such a degree that its
156 widest diameter subtends an angle of no greater than 20 degrees.

157 s. "Guide dog" means a dog which is fitted with a special harness
158 so as to be suitable as an aid to the mobility of a blind person, and
159 is used by a blind person who has satisfactorily completed a specific
160 course of training in the use of a dog as an aid to personal travel,
161 and has been trained by an organization generally recognized by
162 agencies involved in the rehabilitation of the blind as reputable and
163 competent to provide dogs with training of this type.

164 t. "Guide dog trainer" means any person who is employed by an
165 organization generally recognized by agencies involved in the
166 rehabilitation of the blind as reputable and competent to provide
167 dogs with training, and who is actually involved in the training
168 process.

169 u. "Housing accommodation" means any publicly assisted hous-
170 ing accommodation or any real property, or portion thereof, which
171 is used or occupied, or is intended, arranged, or designed to be used
172 or occupied, as the home, residence or sleeping place of one or more
173 persons, but shall not include any single family residence the
174 occupants of which rent, lease, or furnish for compensation not
175 more than one room therein.

176 v. "Public facility" means any place of public accommodation
177 and any street, highway, sidewalk, walkway, public building, and
178 any other place or structure to which the general public is regularly,
179 normally or customarily permitted or invited.

180 w. "*Sickle cell trait*" means the condition wherein the major
181 natural hemoglobin components present in the blood of the in-
182 dividual are hemoglobin A (normal) and hemoglobin S (sickle
183 hemoglobin) as defined by standard chemical and physical analytic
184 techniques, including electrophoresis; and the proportion of hemo-
185 globin A is greater than the proportion of hemoglobin S or one
186 natural parent of the individual is shown to have only normal
187 hemoglobin components (hemoglobin A, hemoglobin A₂, hemo-
188 globin F) in the normal proportions by standard chemical and
189 physical analytic tests.

190 x. "*Hemoglobin C trait*" means the condition wherein the major
191 natural hemoglobin components present in the blood of the in-
192 dividual are hemoglobin A (normal) and hemoglobin C as defined
193 by standard chemical and physical analytic techniques, including
194 electrophoresis; and the proportion of hemoglobin A is greater
195 than the proportion of hemoglobin C or one natural parent of the
196 individual is shown to have only normal hemoglobin components
197 (hemoglobin A, hemoglobin A₂, hemoglobin F) in normal propor-
198 tions by standard chemical and physical analytic tests.

199 y. "Cooley's Anemia" means the chronic hereditary disease
200 resulting from homozygosity of the thalassemia gene.

201 z. "Cystic Fibrosis" means the chronic hereditary disease re-
202 sulting from homozygosity of the cystic fibrosis gene.

203 a.a. "Tay-Sachs" means the chronic hereditary disease resulting
204 from homozygosity of the tay-sachs gene.

- 1 2. (New section) The provisions of the act to which this act is
2 a supplement shall be construed to prohibit any unlawful dis-
3 crimination against any person possessing Sickle Cell Trait, Hemo-
4 globin C Trait, Cooley's Anemia, Cystic Fibrosis, or Tay-Sachs.
1 3. This act shall take effect immediately.

Sponsor's STATEMENT

S448

The primary purpose of this bill is to prohibit discrimination in employment against persons suffering from Sickle Cell Trait, Hemoglobin C Trait, Cooley's Anemia, Cystic Fibrosis or Tay-Sachs.

By amending and supplementing the "Law Against Discrimination," however, the bill goes beyond a mere prohibition against discrimination in employment and extends the umbrella of protection to all those areas presently covered by the "Law Against Discrimination."

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 448

STATE OF NEW JERSEY

DATED: JUNE 9, 1980

This bill makes it unlawful to discriminate in employment against persons suffering from the atypical hereditary cellular and blood traits of sickle cell, hemoglobin C, thalassemia (Cooley's anemia), tay-sachs, or cystic fibrosis.

Although the existence of these blood traits is a very serious medical problem, there has never been any medical evidence to suggest that it is reasonable for any employer to refuse to hire an individual on the basis that the possession of these traits would affect his ability to perform his job.

SENATE AMENDMENTS TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 448

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 22, 1980

Amend page 3, section 1, line 99u, omit "seeing eye or".

Amend page 3, section 1, line 107, after "a dog", insert "used to assist deaf persons or".

Amend page 3, section 1, line 110, after "use of", insert "such"; after "dog", omit "as an aid to personal travel".

Amend page 3, section 1, line 112, after "blind", insert "or deaf".

Amend page 4, section 1, line 116, after "blind", insert "or deaf".

Amend page 4, section 1, after line 129, insert a new paragraph as follows:

"w. 'Deaf person' means any person whose hearing is so severely impaired that he is unable to hear and understand normal conversational speech through the unaided ear alone, and who must depend primarily on supportive device or visual communication such as writing, lip reading, sign language, and gestures."

Amend page 4, section 1, line 130, omit "w.", insert "x."

Amend page 4, section 1, line 133, omit "x.", insert "y."

Amend page 4, section 1, line 143, omit "y.", insert "z."

Amend page 4, section 1, line 152, omit "z.", insert "aa."

Amend page 4, section 1, line 155, omit "aa.", insert "bb."

Amend page 5, section 1, line 158, omit "bb.", insert "cc."

STATEMENT

These amendments conform the bill to amendments enacted by P. L. 1980, c. 46 (Senate Bill No. 16, Official Copy Reprint).

ASSEMBLY LABOR COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 448
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1981

The Assembly Labor Committee favorably reports this bill to specify that it is unlawful in public and private employment to discriminate against people possessing the atypical traits (as "carriers") of sickle cell, hemoglobin C, thalassemia (Cooley's anemia), tay-sachs, or cystic fibrosis.

Carriers are those whose chromosomes contain both an abnormal and normal gene for a particular disease. In virtually all cases, such carriers have been found to be totally unaffected in the workplace by such traits and are considered by scientists to be medically asymptomatic.

Roughly 10% of blacks in the State are carriers of sickle cell anemia, 4% of all whites are carriers of cystic fibrosis, 3% of Ashkenazic Jews are carriers of tay-sachs disease, and 10% of the State's Italian-Americans and Greek-Americans are estimated to be carriers of thalassemia.

While not stipulated in the bill, the committee wants to strongly encourage the small number of employers who are reported to be conducting testing programs for "carriers" to inform their applicants or employees of the results and, in the case of sickle cell trait, to advise them of any potential problems that the one in a hundred such carrier may encounter in low oxygen, physical stress situations.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

JUNE 23, 1981

FOR FURTHER INFORMATION

KATHRYN FORSYTH

Acting Governor Joseph P. Merlino has signed S-448, sponsored by Senator Wynona Lipman (D-Essex), which makes discrimination against people suffering from atypical hereditary cellular and blood traits or sickle cell anemia, hemoglobin C, thalassemia (Cooley's Anemia), tay-sachs or cystic fibrosis a violation of the law against discrimination.

Sickle cell anemia and hemoglobin C are diseases which primarily affect Blacks. Cooley's anemia is a genetic disease which first appears in children between the ages of three months to six months. Cystic fibrosis affects one out of every 2,000 children. Tay-sachs is a disease of Askkenazic Jews which attacks the ganglion cells and may cause blindness, paralysis or mental deterioration.

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