

# STATE OF NEW YORK

4172

2023-2024 Regular Sessions

## IN SENATE

February 3, 2023

Introduced by Sens. KRUEGER, HARCKHAM -- read twice and ordered printed,  
and when printed to be committed to the Committee on Investigations  
and Government Operations

AN ACT to amend the executive law and the civil rights law, in relation  
to adding "pregnancy outcome" to the list of protected classes

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Section 292 of the executive law is amended by adding a new  
2 subdivision 42 to read as follows:

3 42. The term "pregnancy outcome" means any actual, potential, or  
4 perceived result of a pregnancy, including, but not limited to,  
5 abortion, miscarriage, stillbirth, live delivery of an infant regardless  
6 of the infant's health or disability status, or death of a newborn due  
7 to causes that originated in utero.

8 § 2. Subdivisions 1 and 2 of section 291 of the executive law, as  
9 amended by chapter 8 of the laws of 2019, are amended to read as  
10 follows:

11 1. The opportunity to obtain employment without discrimination because  
12 of age, race, creed, color, national origin, sexual orientation, gender  
13 identity or expression, military status, sex, pregnancy outcome, marital  
14 status, or disability, is hereby recognized as and declared to be a  
15 civil right.

16 2. The opportunity to obtain education, the use of places of public  
17 accommodation and the ownership, use and occupancy of housing accommo-  
18 dations and commercial space without discrimination because of age,  
19 race, creed, color, national origin, sexual orientation, gender identity  
20 or expression, military status, sex, pregnancy outcome, marital status,  
21 or disability, as specified in section two hundred ninety-six of this  
22 article, is hereby recognized as and declared to be a civil right.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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§ 3. Subdivisions 8 and 9 of section 295 of the executive law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

8. To create such advisory councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this article and of section eleven of article one of the constitution of this state, and the division may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, disability or marital status and make recommendations to the division for the development of policies and procedures in general and in specific instances. The advisory councils also shall disseminate information about the division's activities to organizations and individuals in their localities. Such advisory councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the division may make provision for technical and clerical assistance to such councils and for the expenses of such assistance.

9. To develop human rights plans and policies for the state and assist in their execution and to make investigations and studies appropriate to effectuate this article and to issue such publications and such results of investigations and research as in its judgement will tend to inform persons of the rights assured and remedies provided under this article, to promote good-will and minimize or eliminate discrimination because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, disability or marital status.

§ 4. Paragraphs (a), (b), (c), (d) and (h) of subdivision 1 of section 296 of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, are amended to read as follows:

(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency to discriminate against any individual because of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

(c) For a labor organization, because of the age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to ensure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation or gender identity or expression, military status, sex, pregnancy outcome, disability, predisposing genetic characteristics, familial status, or marital status.

(h) For an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of an individual's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, disability, predisposing genetic characteristics, familial status, marital status, status as a victim of domestic violence, or because the individual has opposed any practices forbidden under this article or because the individual has filed a complaint, testified or assisted in any proceeding under this article, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims. Such harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of these protected categories. The fact that such individual did not make a complaint about the harassment to such employer, licensing agency, employment agency or labor organization shall not be determinative of whether such employer, licensing agency, employment agency or labor organization shall be liable. Nothing in this section shall imply that an employee must demonstrate the existence of an individual to whom the employee's treatment must be compared. It shall be an affirmative defense to liability under this subdivision that the harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic or characteristics would consider petty slights or trivial inconveniences.

§ 5. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, are amended to read as follows:

(b) To deny to or withhold from any person because of race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy

1 outcome, age, disability, familial status, marital status, or status as  
2 a victim of domestic violence, the right to be admitted to or partic-  
3 ipate in a guidance program, an apprenticeship training program, on-the-  
4 job training program, executive training program, or other occupational  
5 training or retraining program;

6 (c) To discriminate against any person in his or her pursuit of such  
7 programs or to discriminate against such a person in the terms, condi-  
8 tions or privileges of such programs because of race, creed, color,  
9 national origin, citizenship or immigration status, sexual orientation,  
10 gender identity or expression, military status, sex, pregnancy outcome,  
11 age, disability, familial status, marital status, or status as a victim  
12 of domestic violence;

13 (d) To print or circulate or cause to be printed or circulated any  
14 statement, advertisement or publication, or to use any form of applica-  
15 tion for such programs or to make any inquiry in connection with such  
16 program which expresses, directly or indirectly, any limitation, spec-  
17 ification or discrimination as to race, creed, color, national origin,  
18 citizenship or immigration status, sexual orientation, gender identity  
19 or expression, military status, sex, pregnancy outcome, age, disability,  
20 familial status, marital status, or status as a victim of domestic  
21 violence, or any intention to make any such limitation, specification or  
22 discrimination, unless based on a bona fide occupational qualification.

23 § 6. Paragraph (a) of subdivision 2 of section 296 of the executive  
24 law, as separately amended by chapters 202 and 748 of the laws of 2022,  
25 is amended to read as follows:

26 (a) It shall be an unlawful discriminatory practice for any person,  
27 being the owner, lessee, proprietor, manager, superintendent, agent or  
28 employee of any place of public accommodation, resort or amusement,  
29 because of the race, creed, color, national origin, citizenship or immi-  
30 gration status, sexual orientation, gender identity or expression, mili-  
31 tary status, sex, pregnancy outcome, disability, marital status, or  
32 status as a victim of domestic violence, of any person, directly or  
33 indirectly, to refuse, withhold from or deny to such person any of the  
34 accommodations, advantages, facilities or privileges thereof, including  
35 the extension of credit, or, directly or indirectly, to publish, circu-  
36 late, issue, display, post or mail any written or printed communication,  
37 notice or advertisement, to the effect that any of the accommodations,  
38 advantages, facilities and privileges of any such place shall be  
39 refused, withheld from or denied to any person on account of race,  
40 creed, color, national origin, citizenship or immigration status, sexual  
41 orientation, gender identity or expression, military status, sex, preg-  
42 nancy outcome, disability or marital status, or that the patronage or  
43 custom thereat of any person of or purporting to be of any particular  
44 race, creed, color, national origin, citizenship or immigration status,  
45 sexual orientation, gender identity or expression, military status, sex  
46 or marital status, or having a disability or pregnancy outcome, is  
47 unwelcome, objectionable or not acceptable, desired or solicited.

48 § 7. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section  
49 296 of the executive law, as separately amended by chapters 202 and 748  
50 of the laws of 2022, are amended to read as follows:

51 (a) To refuse to sell, rent or lease or otherwise to deny to or with-  
52 hold from any person or group of persons such housing accommodations  
53 because of the race, creed, color, disability, national origin, citizen-  
54 ship or immigration status, sexual orientation, gender identity or  
55 expression, military status, age, sex, pregnancy outcome, marital  
56 status, status as a victim of domestic violence, lawful source of income

1 or familial status of such person or persons, or to represent that any  
2 housing accommodation or land is not available for inspection, sale,  
3 rental or lease when in fact it is so available.

4 (b) To discriminate against any person because of his or her race,  
5 creed, color, disability, national origin, citizenship or immigration  
6 status, sexual orientation, gender identity or expression, military  
7 status, age, sex, pregnancy outcome, marital status, status as a victim  
8 of domestic violence, lawful source of income or familial status in the  
9 terms, conditions or privileges of any publicly-assisted housing accom-  
10 modations or in the furnishing of facilities or services in connection  
11 therewith.

12 (c) To cause to be made any written or oral inquiry or record concern-  
13 ing the race, creed, color, disability, national origin, citizenship or  
14 immigration status, sexual orientation, gender identity or expression,  
15 membership in the reserve armed forces of the United States or in the  
16 organized militia of the state, age, sex, pregnancy outcome, marital  
17 status, status as a victim of domestic violence, lawful source of income  
18 or familial status of a person seeking to rent or lease any publicly-as-  
19 sisted housing accommodation; provided, however, that nothing in this  
20 subdivision shall prohibit a member of the reserve armed forces of the  
21 United States or in the organized militia of the state from voluntarily  
22 disclosing such membership.

23 (c-1) To print or circulate or cause to be printed or circulated any  
24 statement, advertisement or publication, or to use any form of applica-  
25 tion for the purchase, rental or lease of such housing accommodation or  
26 to make any record or inquiry in connection with the prospective  
27 purchase, rental or lease of such a housing accommodation which  
28 expresses, directly or indirectly, any limitation, specification or  
29 discrimination as to race, creed, color, national origin, citizenship or  
30 immigration status, sexual orientation, gender identity or expression,  
31 military status, sex, pregnancy outcome, age, disability, marital  
32 status, status as a victim of domestic violence, lawful source of income  
33 or familial status, or any intent to make any such limitation, specifi-  
34 cation or discrimination.

35 § 8. Subdivisions 3-b, 4 and 13 of section 296 of the executive law,  
36 as separately amended by chapters 202 and 748 of the laws of 2022, are  
37 amended to read as follows:

38 3-b. It shall be an unlawful discriminatory practice for any real  
39 estate broker, real estate salesperson or employee or agent thereof or  
40 any other individual, corporation, partnership or organization for the  
41 purpose of inducing a real estate transaction from which any such person  
42 or any of its stockholders or members may benefit financially, to repre-  
43 sent that a change has occurred or will or may occur in the composition  
44 with respect to race, creed, color, national origin, citizenship or  
45 immigration status, sexual orientation, gender identity or expression,  
46 military status, sex, pregnancy outcome, disability, marital status,  
47 status as a victim of domestic violence, or familial status of the  
48 owners or occupants in the block, neighborhood or area in which the real  
49 property is located, and to represent, directly or indirectly, that this  
50 change will or may result in undesirable consequences in the block,  
51 neighborhood or area in which the real property is located, including  
52 but not limited to the lowering of property values, an increase in crim-  
53 inal or anti-social behavior, or a decline in the quality of schools or  
54 other facilities.

55 4. It shall be an unlawful discriminatory practice for an educational  
56 institution to deny the use of its facilities to any person otherwise

1 qualified, or to permit the harassment of any student or applicant, by  
2 reason of his race, color, religion, disability, national origin, citi-  
3 zenship or immigration status, sexual orientation, gender identity or  
4 expression, military status, sex, pregnancy outcome, age, marital  
5 status, or status as a victim of domestic violence, except that any such  
6 institution which establishes or maintains a policy of educating persons  
7 of one sex exclusively may admit students of only one sex.

8 13. It shall be an unlawful discriminatory practice (i) for any person  
9 to boycott or blacklist, or to refuse to buy from, sell to or trade  
10 with, or otherwise discriminate against any person, because of the race,  
11 creed, color, national origin, citizenship or immigration status, sexual  
12 orientation, gender identity or expression, military status, sex, preg-  
13 nancy outcome, status as a victim of domestic violence, disability, or  
14 familial status, or of such person, or of such person's partners,  
15 members, stockholders, directors, officers, managers, superintendents,  
16 agents, employees, business associates, suppliers or customers, or (ii)  
17 for any person wilfully to do any act or refrain from doing any act  
18 which enables any such person to take such action. This subdivision  
19 shall not apply to:

20 (a) Boycotts connected with labor disputes; or

21 (b) Boycotts to protest unlawful discriminatory practices.

22 § 9. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of  
23 section 296 of the executive law, as separately amended by chapters 202  
24 and 748 of the laws of 2022, are amended to read as follows:

25 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold  
26 from any person or group of persons such a housing accommodation because  
27 of the race, creed, color, national origin, citizenship or immigration  
28 status, sexual orientation, gender identity or expression, military  
29 status, sex, pregnancy outcome, age, disability, marital status, status  
30 as a victim of domestic violence, lawful source of income or familial  
31 status of such person or persons, or to represent that any housing  
32 accommodation or land is not available for inspection, sale, rental or  
33 lease when in fact it is so available.

34 (2) To discriminate against any person because of race, creed, color,  
35 national origin, citizenship or immigration status, sexual orientation,  
36 gender identity or expression, military status, sex, pregnancy outcome,  
37 age, disability, marital status, status as a victim of domestic  
38 violence, lawful source of income or familial status in the terms,  
39 conditions or privileges of the sale, rental or lease of any such hous-  
40 ing accommodation or in the furnishing of facilities or services in  
41 connection therewith.

42 (3) To print or circulate or cause to be printed or circulated any  
43 statement, advertisement or publication, or to use any form of applica-  
44 tion for the purchase, rental or lease of such housing accommodation or  
45 to make any record or inquiry in connection with the prospective  
46 purchase, rental or lease of such a housing accommodation which  
47 expresses, directly or indirectly, any limitation, specification or  
48 discrimination as to race, creed, color, national origin, citizenship or  
49 immigration status, sexual orientation, gender identity or expression,  
50 military status, sex, pregnancy outcome, age, disability, marital  
51 status, status as a victim of domestic violence, lawful source of income  
52 or familial status, or any intent to make any such limitation, specifi-  
53 cation or discrimination.

54 § 10. Subparagraphs 1, 2 and 3 of paragraph (b) of subdivision 5 of  
55 section 296 of the executive law, as separately amended by chapters 202  
56 and 748 of the laws of 2022, are amended to read as follows:



(1) To refuse to sell, rent, lease or otherwise deny to or withhold from any person or group of persons land or commercial space because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, age, disability, marital status, status as a victim of domestic violence, or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available;

(2) To discriminate against any person because of race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, age, disability, marital status, status as a victim of domestic violence, or familial status in the terms, conditions or privileges of the sale, rental or lease of any such land or commercial space; or in the furnishing of facilities or services in connection therewith;

(3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of such land or commercial space which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, age, disability, marital status, status as a victim of domestic violence, or familial status; or any intent to make any such limitation, specification or discrimination.

§ 11. Subparagraphs 1 and 2 of paragraph (c) and paragraph (d) of subdivision 5 of section 296 of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, are amended to read as follows:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, age, disability, marital status, status as a victim of domestic violence, lawful source of income or familial status of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, pregnancy outcome, age, disability, marital status, lawful source of income or familial status of such person or persons.

(2) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed,

1 color, national origin, citizenship or immigration status, sexual orien-  
2 tation, gender identity or expression, military status, sex, pregnancy  
3 outcome, age, disability, marital status, status as a victim of domestic  
4 violence, lawful source of income or familial status; or any intent to  
5 make any such limitation, specification or discrimination.

6 (d) It shall be an unlawful discriminatory practice for any real  
7 estate board, because of the race, creed, color, national origin, citi-  
8 zenship or immigration status, sexual orientation, gender identity or  
9 expression, military status, age, sex, pregnancy outcome, disability,  
10 marital status, status as a victim of domestic violence, lawful source  
11 of income or familial status of any individual who is otherwise quali-  
12 fied for membership, to exclude or expel such individual from member-  
13 ship, or to discriminate against such individual in the terms, condi-  
14 tions and privileges of membership in such board.

15 § 12. Paragraph (a) of subdivision 9 of section 296 of the executive  
16 law, as separately amended by chapters 202 and 748 of the laws of 2022,  
17 is amended to read as follows:

18 (a) It shall be an unlawful discriminatory practice for any fire  
19 department or fire company therein, through any member or members there-  
20 of, officers, board of fire commissioners or other body or office having  
21 power of appointment of volunteer firefighters, directly or indirectly,  
22 by ritualistic practice, constitutional or by-law prescription, by tacit  
23 agreement among its members, or otherwise, to deny to any individual  
24 membership in any volunteer fire department or fire company therein, or  
25 to expel or discriminate against any volunteer member of a fire depart-  
26 ment or fire company therein, because of the race, creed, color,  
27 national origin, citizenship or immigration status, sexual orientation,  
28 gender identity or expression, military status, sex, pregnancy outcome,  
29 marital status, status as a victim of domestic violence, or familial  
30 status, of such individual.

31 § 13. Paragraphs a, b, c and e of subdivision 1 of section 296-a of  
32 the executive law, as separately amended by chapters 202 and 748 of the  
33 laws of 2022, are amended to read as follows:

34 a. In the case of applications for credit with respect to the  
35 purchase, acquisition, construction, rehabilitation, repair or mainte-  
36 nance of any housing accommodation, land or commercial space to discrim-  
37 inate against any such applicant because of the race, creed, color,  
38 national origin, citizenship or immigration status, sexual orientation,  
39 gender identity or expression, military status, age, sex, pregnancy  
40 outcome, marital status, status as a victim of domestic violence, disa-  
41 bility, or familial status of such applicant or applicants or any  
42 member, stockholder, director, officer or employee of such applicant or  
43 applicants, or of the prospective occupants or tenants of such housing  
44 accommodation, land or commercial space, in the granting, withholding,  
45 extending or renewing, or in the fixing of the rates, terms or condi-  
46 tions of, any such credit;

47 b. To discriminate in the granting, withholding, extending or renew-  
48 ing, or in the fixing of the rates, terms or conditions of, any form of  
49 credit, on the basis of race, creed, color, national origin, citizenship  
50 or immigration status, sexual orientation, gender identity or  
51 expression, military status, age, sex, pregnancy outcome, marital  
52 status, status as a victim of domestic violence, disability, or familial  
53 status;

54 c. To use any form of application for credit or use or make any record  
55 or inquiry which expresses, directly or indirectly, any limitation,  
56 specification, or discrimination as to race, creed, color, national



1 origin, citizenship or immigration status, sexual orientation, gender  
2 identity or expression, military status, age, sex, pregnancy outcome,  
3 marital status, status as a victim of domestic violence, disability, or  
4 familial status;

5 e. To refuse to consider sources of an applicant's income or to  
6 subject an applicant's income to discounting, in whole or in part,  
7 because of an applicant's race, creed, color, national origin, citizen-  
8 ship or immigration status, sexual orientation, gender identity or  
9 expression, military status, age, sex, pregnancy outcome, marital  
10 status, status as a victim of domestic violence, childbearing potential,  
11 disability, or familial status;

12 § 14. Subdivisions 2 and 3 of section 296-a of the executive law, as  
13 separately amended by chapters 202 and 748 of the laws of 2022, are  
14 amended to read as follows:

15 2. Without limiting the generality of subdivision one of this section,  
16 it shall be considered discriminatory if, because of an applicant's or  
17 class of applicants' race, creed, color, national origin, citizenship or  
18 immigration status, sexual orientation, gender identity or expression,  
19 military status, age, sex, pregnancy outcome, marital status, status as  
20 a victim of domestic violence, disability, or familial status, (i) an  
21 applicant or class of applicants is denied credit in circumstances where  
22 other applicants of like overall credit worthiness are granted credit,  
23 or (ii) special requirements or conditions, such as requiring co-obli-  
24 gors or reapplication upon marriage, are imposed upon an applicant or  
25 class of applicants in circumstances where similar requirements or  
26 conditions are not imposed upon other applicants of like overall credit  
27 worthiness.

28 3. It shall not be considered discriminatory if credit differen-  
29 tiations or decisions are based upon factually supportable, objective  
30 differences in applicants' overall credit worthiness, which may include  
31 reference to such factors as current income, assets and prior credit  
32 history of such applicants, as well as reference to any other relevant  
33 factually supportable data; provided, however, that no creditor shall  
34 consider, in evaluating the credit worthiness of an applicant, aggregate  
35 statistics or assumptions relating to race, creed, color, national  
36 origin, citizenship or immigration status, sexual orientation, gender  
37 identity or expression, military status, sex, pregnancy outcome, marital  
38 status, status as a victim of domestic violence or disability, or to the  
39 likelihood of any group of persons bearing or rearing children, or for  
40 that reason receiving diminished or interrupted income in the future.

41 § 15. Subdivision 2 of section 40-c of the civil rights law, as  
42 amended by chapter 8 of the laws of 2019, is amended to read as follows:

43 2. No person shall, because of race, creed, color, national origin,  
44 sex, pregnancy outcome, marital status, sexual orientation, gender iden-  
45 tity or expression, or disability, as such term is defined in section  
46 two hundred ninety-two of the executive law, be subjected to any  
47 discrimination in his or her civil rights, or to any harassment, as  
48 defined in section 240.25 of the penal law, in the exercise thereof, by  
49 any other person or by any firm, corporation or institution, or by the  
50 state or any agency or subdivision of the state.

51 § 16. This act shall take effect immediately.