

National Conference of State Legislatures

State Employment-Related Discrimination Statutes

July 2015

State	Statute	Covered Employers	Factors On Which Employment Discrimination is Prohibited	Compensatory Damages	Punitive Damages	Attorney Fees	Other Relief
Alabama	<i>No general anti-discrimination statute</i>	Age discrimination: employers with 20 or more employees, employment agencies, labor organizations, prints and advertisements	Age 40 and above, retaliation			X	Age discrimination: equitable relief
	Age discrimination statute: Ala. Code § 25-1-20, <i>et. seq.</i>						
	EEOC						
Alaska	Alaska Stat. Ann. § 18.80, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, employment agencies, labor organizations, communications and advertisements, media Does not include exclusively social clubs, fraternal, educational, charitable, or religious associations or corporations that are not organized for private profit	Race, color, national origin, religion, age, physical or mental disability, sex, marital status, pregnancy or parenthood, retaliation For public employers, sexual orientation by Executive Order	X Limited to actual damages	X	X	Back pay, reinstatement, promotion, hiring, front pay, equitable relief
	Administrative Order 195 (2002)						
	Alaska State Commission for Human Rights						
Arizona	Ariz. Rev. Stat. Ann. § 41-1461, <i>et. seq.</i>	Employers with 1 or more employees, employment agencies, labor organizations, communications and advertisements	Race, color, religion, gender, age 40 and over, physical or mental disability, national origin, pregnancy, genetic information, retaliation, medical marijuana*	X Restrictions apply	X	X	Actual damages, preventative relief
	Ariz. Rev. Stat. Ann. § 36-2813						

	Executive Order 2003-22 (2003)	Does not include the US or any department or agency of the US, or government corporations, or private membership clubs that are tax exempt	Does not include illegal drug use For public employers, sexual orientation by Executive Order				Medical marijuana: no relief provided
	Attorney General's Civil Rights Division						
Arkansas	Ark. Code Ann. § 16-123-101, <i>et. seq.</i>	Employers who employ 9 or more employees in each of twenty or more calendar weeks in the previous year Sovereign immunity not waived Does not include private clubs or religious organizations	Race, religion, national origin, gender, pregnancy, sensory/mental/physical disability, retaliation Disability does not include compulsive behavior, illegal drug use, or alcoholism	X Fewer than 15 employees = \$15,000, 14 to 100 employees = \$50,000, 101 to 200 employees = \$100,000, 201 to 500 employees = \$200,000, Over 500 employees = \$300,000	X Included in compensatory damages	X	Back pay, injunctive relief, cease and desist
	EEOC						
California	West's Ann. Cal. Gov. Code § 12900, <i>et. seq.</i>	Employers with 5 or more employees, both public and private, employment agencies, labor organizations Does not include religious organizations or non-profits Employers with 1 or more employees for purposes of employer liability	Race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, pregnancy, childbirth, and related medical conditions, breastfeeding, sex, gender identity, gender expression, age 40 and above, sexual orientation, military or veteran status, retaliation Does not include compulsive behavior or illegal drug use	X Not limited by statute	X Reasonable	X	Reinstatement, back pay, reimbursement, injunctive relief
	Department of Fair Employment and Housing						
Colorado	Colo. Rev. Stat. § 24-34-401, <i>et. seq.</i>	Public and private employers, employment agencies, labor organizations,	Race, creed, color, sex, sexual orientation, gender identity, age 40 and over, disability, religion,	X	X Private, not public	X	Reinstatement, back pay, front pay, other

	Colorado Civil Rights Commission	communications and advertisements Does not include religious organizations or non-profits	national origin, ancestry, engaging in any lawful activity off the premises of the employer during nonworking hours, victims of domestic violence, stalking, sexual assault	1 to 4 employees = \$10,000, 5 to 14 employees = \$25,000, 15 to 100 employees = \$50,000, 101 to 200 employees = \$100,000, 201 to 500 employees = \$200,000, More than 500 employees = \$300,000	employers, included in compensatory damages		equitable relief deemed appropriate
Connecticut	Conn. Gen. Stat. Ann. § 46a-60, <i>et. seq.</i>	Employers with 3 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations	Race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability or physical disability, including, but not limited to, blindness, sexual orientation (actual or perceived), civil union status, pregnancy, criminal conviction alone, medical marijuana*	Not expressly provided for in statute – Conn. Supreme Court ruled the statute did not provide for this in 1995	X Not expressly in statute – litigated in court	X	Injunctive relief, back pay Medical Marijuana: no relief provided
	Conn. Gen. Stat. Ann. § 21a-408p						
	Commission on Human Rights and Opportunities						
Delaware	19 Del. Code Ann. § 710, <i>et. seq.</i>	Employers with 4 or more employees within the state, public and private employers, employment agencies, labor organizations Does not include religious organizations for sexual orientation or gender identity	Race, marital status, genetic information, color, age 40 and above, religion, sex, pregnancy, sexual orientation, gender identity, or national origin, credit score (pre-hiring), criminal record (pre-hiring), disability, retaliation, medical marijuana* Does not include drug or alcohol abuse	X 1 to 100 employees = \$50,000, 101 to 200 employees = \$100,000, 201 to 500 employees = \$200,000,	X	X	Reinstatement, hiring, promotion, cease and desist discriminatory practices Medical Marijuana: no relief provided
	19 Del. Code Ann. § 720, <i>et. seq.</i>						
	16 Del. Code Ann. § 4903A						
	16 Del. Code Ann. § 4905A						

	Delaware Department of Labor			More than 500 employees = \$300,000			
D.C.	D.C. Code Ann. § 2-1402, <i>et. seq.</i>	Employers with 1 or more employees, government, public and private employers, employment agencies, labor organizations Does not include religious organizations or non-profits	Race, color, religion, national origin, sex, pregnancy, childbirth, breastfeeding, reproductive health decisions, age 18 to 65 (with exceptions), marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, matriculation, political affiliation, genetic information, disability, retaliation	X Not limited by statute	X	X	Injunctive relief, hiring, reinstatement, promotion, back pay
	Office of Human Rights						
Florida	Fla. Stat. Ann. § 760.01, <i>et. seq.</i>	Employers with 15 or more employees for each working day in each of 20 or more calendar weeks Does not apply to religious organizations for religious discrimination	Race, color, religion, sex, national origin, age, handicap, marital status, sickle-cell trait, pregnancy	X Private: not limited State: up to \$200,000 or \$300,000 under Fla. Stat. Ann. § 768.28(5)	X Private: up to \$100,000 State: none	X	Other relief deemed appropriate, back pay
	Fla. Stat. Ann. § 448.075-.076						
	Fla. S.B. No. 982						
	Florida Commission on Human Relations						
Georgia	<i>No general anti- discrimination statute for private employers</i>	State employers: employers with 15 or more employees within the state for each working day in each of 20 or more calendar weeks in the	State employers: race, color, religion, national origin, sex, physical or mental disability, age 40 and above, retaliation Private employers in interstate commerce: discrimination in pay			X	Hiring, reinstatement, promotion, back pay

	<p>State employers: Ga. Code Ann. § 45-19-20, <i>et. seq.</i></p> <p>Sex Equal pay: Ga. Code Ann. § 34-5-1, <i>et. seq.</i></p> <p>Disability: Ga. Code Ann. § 34-6a-1, <i>et. seq.</i></p> <p>Age: Ga. Code Ann. § 31-4-2, <i>et. seq.</i></p> <p>EEOC</p>	<p>current or preceding calendar year, notice or advertisement</p> <p>Equal pay: public and private employers with 10 or more employees, engaged in interstate commerce</p>	<p>based on gender and discrimination based on disability</p>				
Hawaii	<p>Haw. Rev. Stat. §378.1, <i>et. seq.</i></p> <p>Hawaii Civil Rights Commission</p>	<p>Employers with 1 or more employees, public and private employers, employment agencies, labor organizations</p> <p>Does not include religious organizations and charitable or educational organizations</p>	<p>Race, sex, gender identity or expression, sexual orientation, age, religion, color, ancestry, physical or mental disability, marital status, domestic or sexual violence victim status, pregnancy, childbirth, retaliation, required submission to lie detector tests, credit history or credit report, conviction record</p>	<p>X</p> <p>Not limited by statute</p>	X	X	<p>Reinstatement, back pay, hiring, promotion, injunction, any other orders deemed appropriate</p>
Idaho	<p>Idaho Code §67-5909, <i>et. seq.</i></p> <p>Idaho Human Rights Commission</p>	<p>Employers with 5 or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, public and private employers, employment agencies, labor organizations, prints or publications,</p> <p>Does not include religious organizations and private clubs</p>	<p>Race, religion, color, sex, national origin, disability, age 40 and above, retaliation</p>	<p>X</p> <p>Not limited by statute</p>	X	X	<p>Cease and desist order, back pay, reinstatement, hiring, promotion, any other orders deemed appropriate</p>

Illinois	775 Ill. Comp. Stat. 5/1-101, <i>et. seq.</i>	Employers with 15 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation, employees with 1 or more employees for physical or mental disability, pregnancy, or sexual harassment cases The state regardless of number of employees, employment agencies, labor organizations Does not include religious organizations	Race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, sexual orientation, gender identity, age 40 and above, ancestry, marital status, citizenship status, physical or mental handicap, military duty status or discharge status (with exceptions), genetic testing (under Genetic Information Privacy Act), retaliation, medical marijuana*, expunged or sealed criminal history	X Not limited by statute	X	X	Cease and desist, hiring, reinstatement, promotion, back pay, equitable relief Medical Marijuana: no relief provided
	410 Ill. Comp. Stat. 513/, <i>et. seq.</i>						
	410 Ill. Comp. Stat. 130/40						
	Illinois Department of Human Rights						
Indiana	Ind. Code Ann. § 22-9-1-1, <i>et. seq.</i>	Employers with 6 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations, non-profits, or exclusive social clubs For age discrimination, employers with 1 or more employees	Race, religion, color, sex, disability, national origin, ancestry, age 40 to 75, retaliation, veteran status For public employers, sexual orientation and gender identity by Executive Order			X	Cease and desist, restore losses incurred, employer's potential loss of license
	Ind. Code Ann. § 22-9-2-1, <i>et. seq.</i>						
	Governor's Policy Statement, April 26, 2005						
	Indiana Civil Rights Commission						
Iowa	Iowa Code Ann. § 216.1, <i>et. seq.</i>	Employers with 4 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations for purposes of religious, sexual orientation, or gender identity discrimination	Race, creed, color, sex, sexual orientation, gender identity, national origin, religion, physical or mental disability, pregnancy, childbirth, age, genetic information, HIV testing, polygraph testing (excludes police or corrections officers)	X Not limited by statute		X	Back pay, reinstatement, hiring, promotion, other remedial action
	Iowa Civil Rights Commission						

Kansas	Kan. Stat. Ann. § 44-1001, <i>et. seq.</i>	Employers with 4 or more employees, public and private employers, employment agencies, labor organizations, nonsectarian corporations, and organizations engaged in social service work Does not include non-profits or social clubs	Race, religion, color, sex, national origin, ancestry, physical or mental disability, age, genetic testing, retaliation Public employer: height (exception for fire department, law enforcement, and security officers)	X Up to \$2000		X	Back pay, hiring, reinstatement, promotion, cease and desist
	Kansas Human Rights Commission						
Kentucky	Ky. Rev. Stat. §344.040, <i>et. seq.</i>	Employers with 8 or more employees within the state in each of 20 or more calendar weeks in the current or preceding calendar year, public and private employers, employment agencies, labor organizations For disability discrimination, an employer with 15 or more employees	Race, color, religion, national origin, sex, pregnancy, childbirth, age over 40, disability, HIV status, black lung disease, smoking, disability, retaliation For public employers, sexual orientation and gender identity by Executive Order	X Not limited by statute		X	Back pay, front pay, hiring, reinstatement, promotion, any other appropriate relief
	Ky. Rev. Stat. §207.135						
	Ky. Rev. Stat. §342.197						
	Executive Order 2003-533 (2008)						
Kentucky Commission on Human Rights							
Louisiana	La. Rev. Stat. Ann. § 23:301, <i>et. seq.</i>	Employers with 20 or more employees, employers with 25 or more employees for pregnancy, childbirth, or related medical condition cases, public and private employers, employment agencies, labor organizations	Race, color, religion, sex, national origin, sickle-cell disease traits, pregnancy, childbirth, and related conditions, age 40 and above, disability, veteran status, genetic information	X Not limited by statute		X	Back pay, benefits, reinstatement, front pay
	Louisiana Commission on Human Rights						
Maine	Me. Rev. Stat. Ann. Tit. 5, §4572, <i>et. seq.</i>	Public and private employers with any amount of employees, employment agencies, labor organizations	Race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, age, ancestry, national origin, retaliation, genetic information, pregnancy,	X 14 to 100 employees = \$50,000, 101-200 = \$100,000,	X	X	Cease and desist, reinstatement, hiring, promotion, back pay
	Me. Rev. Stat. Ann. Tit. 22, §2423-E(2)						

	Maine Human Rights Commission	Does not include religious organizations, non-profits, fraternal organizations	breastfeeding, medical marijuana* Does not apply to illegal drug use or alcohol use during working hours	201-500 = \$300,000, 500 or more employees = \$500,000			Medical Marijuana: no relief provided
Maryland	Md. State Government Code Ann. § 20-601, <i>et. seq.</i>	Employer with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, public and private employers, employment agencies, labor organizations, publications or advertisements Baltimore County: employers with fewer than 15 employees Does not include private membership, tax exempt clubs, or religious organizations	Race, color, religion, national origin, ancestry, sex, age, marital status, sexual orientation, gender identity, physical or mental disability, genetic information, retaliation, pregnancy	X In Baltimore County only		X In Howard, Montgomery, and Prince George's County, and Baltimore County	Baltimore County: injunctive relief, back pay
	Maryland Commission on Human Relations *City and county laws vary						
Massachusetts	Ann. Laws of Mass. Gen. Laws, ch. 151B, § 1, <i>et. seq.</i>	Employers with 6 or more employees, public and private employers, employment agencies, labor organizations Does not include exclusively social organizations if not-for-profit or religious organizations	Race, religious creed, color, national origin, ancestry, sex, gender identity, sexual orientation, disability, genetic information, age 40 and above, pregnancy, criminal record, lie-detector test, victim of sex offense or domestic violence	X Not limited by statute	X	X	Reinstatement, promotion, hiring, back pay, front pay, cease and desist
	Massachusetts Commission Against Discrimination						
Michigan	Mich. Comp. Laws §37-2202, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, employment agencies, labor organizations	Race, color, religion, sex, national origin, marital status, height, weight, age, pregnancy, childbirth, or related medical condition, disability, retaliation For public employers, sexual orientation and gender identity by Executive Order	X Not limited by statute		X	Injunctive relief, reinstatement, hiring, promotion, other relief deemed appropriate
	Mich. Comp. Laws §37.1202, <i>et. seq.</i>						
	Executive Directive 2003-24 (2003, 2007)						

	Michigan Department of Civil Rights						
Minnesota	Minn. Stat. Ann. § 363A.08, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, employment agencies, labor organizations	Race, color, creed, religion, national origin, sex, sexual orientation, gender identity, marital status, acceptance of public assistance benefits or housing, physical/sensory/mental disability, age, pregnancy, childbirth, and related medical conditions, familial status, medical marijuana*	X Not limited by statute	X	X	Injunctive relief, back pay Medical Marijuana: no relief provided
	Minn. Stat. Ann. § 152.32	Does not include religious or fraternal organizations for purposes of religious or sexual orientation discrimination, or nonpublic service organizations for purposes of sexual orientation discrimination					
	Minnesota Department of Human Rights						
Mississippi	<i>No general state anti-discrimination statute for public employers</i>	State employers Breastfeeding accommodation: public and private employers	Political affiliation, race, national origin, sex, religion, age, disability Accommodation for breastfeeding				
	Miss. Code Ann. §§ 25-9-103; 149						
	Miss. Code Ann. § 71-1-55						
	EEOC						
Missouri	Mo. Ann. Stat. §213.010, <i>et. seq.</i>	Employers with 6 or more employees, public and private employers, employment agencies, labor organizations	Race, color, religion, national origin, sex, ancestry, age 40 to 70 (exception for high policy-making positions and executives), physical or mental disability, pregnancy, retaliation For the executive branch, sexual orientation by Executive Order	X Not limited by statute	X	X	Injunctive relief, temporary restraining order, other orders
	Executive Order 10-24 (2010)	Does not include religious corporations or sectarian corporations					
	Missouri Commission on Human Rights						

Montana	Mont. Code Ann. §49-2-101, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, employment agencies, labor organizations, prints and advertisements Does not include fraternal, charitable, or religious non-profit organizations, or Indian tribes	Race, creed, religion, color, national origin, age, physical or mental disability, marital status, sex, pregnancy, retaliation For public employers, sexual orientation by Executive Order			X	Cease and desist, injunction, order to rectify the harm (pecuniary or otherwise) Sexual Orientation:
	Nondiscrimination-EEO Policy 3-0630 (2000)						
	Human Rights Bureau						
Nebraska	Neb. Rev. Stat. Ann. §48-1101, <i>et. seq.</i>	Employers with 15 or more employees, public and private employers, employment agencies, labor organizations For age discrimination, employers with 20 or more employees Does not include religious corporations, associations, or societies with respect to religious discrimination	Race, color, religion, sex, disability, marital status, national origin, age 40 and above, pregnancy, childbirth, and related medical conditions, retaliation Does not apply to members of the Communist Party, or include illegal drug use	X Not limited by statute		X	Injunctive relief, cease and desist, reinstatement, hiring, back pay
	Neb. Rev. Stat. Ann. §48-1001, <i>et. seq.</i>						
	Nebraska Equal Opportunity Commission						
Nevada	Nev. Rev. Stat. Ann. §613.310, <i>et. seq.</i>	Employers with 15 or more employees, public and private employers, employment agencies, labor organizations, prints and advertisements Does not include Indian tribes, religious corporations, associations, or societies for purposes of religious, sexual orientation, or gender identity discrimination	Race, color, religion, sex, sexual orientation, age, physical or mental disability, national origin, genetic testing, pregnancy, retaliation, gender expression, gender identity, pregnancy, use of lawful products off premises of employer, medical marijuana*	Not specifically allowed for in statute		X	Back pay, reinstatement, cease and desist, injunctive relief Medical Marijuana: no relief provided
	Nev. Rev. Stat. Ann. § 453A.800						
	Nevada Equal Rights Commission						
New Hampshire	N.H. Rev. Stat. Ann. §354-A:1, <i>et. seq.</i>	Employers with 6 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations or exclusive social clubs	Age, sex, race, creed, color, marital status, national origin, physical or mental disability, sexual orientation, pregnancy, and medical conditions, retaliation	X Not limited by statute		X	Back pay, front pay, reinstatement, cease and desist, hiring, reinstatement, promotion
	New Hampshire Commission for Human Rights						
New Jersey	N.J. Stat. Ann. §10:5-12, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, employment	Race, creed, color, national origin, ancestry, age, marital status, civil union status,	X Not limited by statute	X	X	Hiring, reinstatement,

	New Jersey Division on Civil Rights	agencies, labor organizations, prints and advertisements Does not include religious organizations, social clubs, or fraternal clubs	domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, nationality, military service, genetic testing, retaliation				promotion, back pay
New Mexico	N.M. Stat. Ann. §28-1-7, <i>et. seq.</i> New Mexico Human Rights Division	Employers with 4 or more employees, public and private employers, employment agencies, labor organizations For sexual orientation and gender identity, employers with 15 or more employees For spousal affiliation, employers with 50 or more employees Does not include religious organizations for purposes of sexual orientation or gender identity discrimination	Race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, retaliation, sexual orientation, gender identity, spousal affiliation	X Not limited by statute		X	Reinstatement, hiring, promotion, cease and desist, back pay
New York	N.Y. Exec. Law § 290, <i>et. seq.</i> N.Y. Laws H. B. No. A06357 Executive Order No. 33 (2009) New York Division of Human Rights	Employers with 4 or more employees, public and private employers, licensing agencies, employment agencies, and labor organizations, employers employing 1 or more domestic worker Does not include distinctly private clubs or religious corporations and non-profits	Age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, domestic violence victim status, pregnancy, sealed arrest or conviction record, retaliation, medical marijuana* (starting July 1, 2015) For public employers, gender identity by Executive Order	X Not limited by statute		X	Injunctive relief, back pay, reinstatement, hiring, promotion Medical Marijuana: treated the same as disability under Art. 15 of Exec. Law, but no specific relief provided in statute
North Carolina	N.C. Gen. Stat. § 143-422.1, <i>et. seq.</i>	Employers with 15 or more employees, public and private employers, employment	Race, religion, color, national origin, age, sex, disability, sickle-cell trait or hemoglobin C,			X	Hiring, reinstatement, back pay

	N.C. Gen. Stat. § 95-28.1, <i>et. seq.</i>	agencies, labor organizations Employers with 3 or more regularly employed employees for use of lawful products off the job	AIDS/HIV (with restrictions), retaliation				
	N.C. Gen. Stat. § 130A-148, <i>et. seq.</i>						
	N.C. Gen. Stat. § 168a, <i>et. seq.</i>						
	EEOC						
North Dakota	N.D. Laws § 14-02.4, <i>et. seq.</i>	Employers with 1 or more employees, employment agencies, and labor organizations, advertisements Does not include private clubs	Race, color, religion, sex, national origin, age 40 and above, physical or mental disability, status with respect to marriage or assistance, participation in lawful activities during non-work hours, pregnancy, retaliation			X	Injunctive relief, equitable relief, back pay
	N.D. Laws H. B. No. 1463; West's No. 219						
	Human Rights Division of the North Dakota Department of Labor						
Ohio	Ohio Rev. Code §4112.01, <i>et. seq.</i>	Employers with 4 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations	Race, color, religion, sex, national origin, disability, age, ancestry, pregnancy, childbirth, and related medical conditions, retaliation For public employers, sexual orientation and gender identity by executive order	X Not limited by statute	X	X	Cease and desist, injunctive relief, back pay, reinstatement, hiring, promotion
	Executive Order 2007-10S (2007)						
	Ohio Civil Rights Commission						
Oklahoma	25 Okla. Stat. Ann. §§1301, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, employment agencies, labor organizations Does not include Indian tribes or bona fide tax-exempt membership clubs, or religious organizations	Race, color, religion, sex, national origin, age, disability, genetic information, pregnancy, childbirth, and related medical conditions			X	Back pay, reinstatement, hiring, injunctive relief
	Oklahoma Human Rights Commission						

Oregon	Or. Rev. Stat. § 659a.001, <i>et. seq.</i> Or. Rev. Stat. § 174.100	Employers with 1 or more employees, public and private employers, employment agencies, labor organizations Federal law exempts private clubs and religious organizations for race and sex discrimination and religious organizations for religious discrimination	Race, religion, color, sex, sexual orientation, gender identity, national origin, marital and familial status, age 18 and above, disability, expunged juvenile record, pregnancy, childbirth, and related medical conditions, injured workers, retaliation, requiring submission to breathalyzer test, lie detector, genetic testing, psychological stress test, use of legal tobacco during non-working hours, person with a degree in theology or religious occupations, victims of domestic violence or sexual crimes, credit history, testifying at unemployment compensation hearings, leave to attend a criminal proceeding, military service Does not include illegal drug use	X Not limited by statute	X	X	Reinstatement, hiring, promotion, back pay, injunctive or equitable relief deemed appropriate
	Civil Rights Division						
Pennsylvania	Pa. Stat. Ann. tit. 43, § 951, <i>et. seq.</i>	Employers with 4 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations for purposes of religion-based sex discrimination, fraternal organizations, charitable organizations	Race, color, familial status, religious creed, ancestry, age 40 and above, sex, pregnancy, national origin, disability, use of service animal, refusal to perform abortion or sterilization, retaliation For public employers, sexual orientation and gender identity by executive order	X Not limited by statute		X	Reinstatement, hiring, promotion, back pay, other legal or equitable relief deemed appropriate
	Executive Order 1975-5 (2003)						
	Pennsylvania Human Relations Commission						
Puerto Rico	29 Laws of P.R. Ann. § 146, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, labor unions,	Age from which minors can work, race, color, sex, social or national origin or social			X	Reinstatement, cease and desist, back

	Anti-Discrimination Unit, Department of Human Resources	publications and advertisements Federal law exempts private clubs and religious organizations for race and sex discrimination and religious organizations for religious discrimination	condition, political affiliation, political or religious ideology, or for being a victim or perceived as a victim of domestic violence, sexual aggression or stalking, sexual orientation, gender identity, retaliation, military status				pay, actual damages
Rhode Island	R.I. Gen.Laws Ann. § 28-5-1, <i>et. seq.</i>	Employers with 4 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations for purposes of religious discrimination	Race, color, religion, sex, sexual orientation, gender identity, gender expression, disability, age 40 and above, country of ancestral origin, retaliation, pregnancy, childbirth, and related medical conditions	X Not limited by statute	X Private only	X	Cease and desist, reinstatement, hiring, promotion, back pay
	Rhode Island Commission for Human Rights						
South Carolina	S.C. Code § 1-13-30, <i>et. seq.</i>	Employers with 15 or more employees, public and private employers, employment agencies, labor organizations Does not include Indian tribes, private clubs, or religious organizations for religious discrimination	Race, religion, color, sex, age 40 and above, national origin, pregnancy, childbirth, and related medical conditions, physical or mental disability, medical examinations				Hiring, reinstatement, promotion, back pay
	South Carolina Human Affairs Commission						
South Dakota	S.D. Code.Law § 20-13-1, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, employment agencies, labor organizations, advertisements Does not include religious organizations for religious discrimination	Race, color, creed, religion, sex, ancestry, disability, national origin, retaliation			X	Hiring, reinstatement, promotion, back pay, injunctive relief, equitable relief
	State Commission of Human Rights						
Tennessee	Tenn. Code Ann. § 4-21-201, <i>et. seq.</i>	Employers with 8 or more employees, public and private employers, employment agencies, labor organizations Does not apply to religious organizations for purposes of religious discrimination	Race, color, creed, religion, sex, age 40 and above, national origin, mental, visual, or physical disability, retaliation	X Not limited by statute		X	Hiring, reinstatement, promotion, back pay, appropriate relief
	Tenn. Code Ann. §8-50-103						
	Tennessee Human Rights Commission						

Texas	Tex. Lab. Code § 21.001, <i>et. seq.</i>	Employers with 15 or more employees engaged in industry affecting commerce, public and private employers, employment agencies, labor organizations Does not apply to religious organizations for purposes of religious discrimination	Race, color, disability, religion, sex, national origin, age, pregnancy, childbirth, and related medical conditions, retaliation, genetic information	X Fewer than 101 employees = \$50,000 101 to 200 employees = \$100,000 201 to 500 employees = \$300,000 501 or more employees = \$300,000	X	X Court may include expert fees	Back pay, reinstatement, hiring, promotion, injunctive relief, equitable relief
	Texas Workforce Commission Civil Rights Division						
Utah	Utah Code Ann. § 34a-5-101, <i>et. seq.</i>	Employers with 15 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations	Race, color, sex, pregnancy, childbirth, and related medical conditions, age 40 and above, religion, national origin, disability, retaliation, sexual orientation, gender identity			X	Cease and desist, reinstatement, back pay
	Utah Code S. B. No. 296 (legislation adding gender identity and sexual orientation and gender identity)						
	Utah Anti-discrimination and Labor Division						
Vermont	Vt. Stat. Ann. tit. 21, § 495, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations for purposes of religious, sexual orientation, or gender identity discrimination	Race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, ancestry, place of birth, HIV status, retaliation, genetic testing, pregnancy, credit history	X Not limited by statute	X	X	Injunctive relief, back pay, front pay, reinstatement, other appropriate relief, class action restitution
	Civil Rights Unit of the Vermont Attorney General's Office						
Virginia	Va. Code Ann. 2.1-714, <i>et. seq.</i>	Employers with more than 5 but less than 15 employees	Race, color, religion, national origin, sex, pregnancy,			X	Back pay

	Executive Order No. 1 (2014)	For purposes of age discrimination, employers with more than 5 and less than 20 employees	childbirth, and related medical conditions, age 40 and above, marital status, disability For public employers, sexual orientation and gender identity by Executive Order			25% of back pay	
	Virginia Council on Human Rights						
Virgin Islands	24 V.I. Code § 451, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, other legal entities Does not include religious organizations for the purposes of religious discrimination	Age, race, creed, color, national origin, sex, political affiliation, pregnancy, childbirth, and related medical	X Not limited by statute	X	X	Reinstatement, hiring, promotion, back pay
	10 V.I. Code § 64, <i>et. seq.</i>						
	Virgin Islands Civil Rights Commission						
Washington	Wash. Rev. Code Ann. §49.60.010, <i>et. seq.</i>	Employers with 8 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations organized not for profit	Age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, breastfeeding, pregnancy, retaliation	X Not limited by statute		X	Back pay, front pay, hiring, reinstatement, promotion, cease and desist
	Washington State Human Rights Commission						
West Virginia	W. Va. Code §5-11-1, <i>et. seq.</i>	Employers with 1 or more employees, public and private employers, employment agencies, labor organizations, prints and advertisements Does not include private clubs	Race, color, religion, sex, national origin, age 40 and above, disability, ancestry, retaliation, pregnancy, childbirth, and related medical conditions	X Not limited by statute	X	X	Equitable relief, civil penalties, injunctive relief, reinstatement, hiring, promotion, back pay
	West Virginia Human Rights Commission						
Wisconsin	Wis. Stat. Ann. §111.31, <i>et. seq.</i>	Employers with 1 or more employees, public and private	Age, race, color, religion, creed, gender, disability, marital status, national origin, ancestry, arrest	X Not limited by statute	X	X	Back pay, other appropriate relief

	Wisconsin Equal Rights Division	employers, employment agencies, labor organizations Does not include religious organizations for purposes of religious discrimination	record, conviction record, sexual orientation, military status, use or nonuse of lawful products off premises during nonworking hours, retaliation, pregnancy, childbirth, maternity leave, and related medical conditions, lie detector test, genetic test, declining to attend a meeting or to participate in any communication about religious matters or political matters				
Wyoming	Wyo. Stat. § 27-9-101, <i>et. seq.</i> Labor Standards Division of the Wyoming Department of Employment	Employers with 2 or more employees, public and private employers, employment agencies, labor organizations Does not include religious organizations	Race, color, creed, sex, national origin, age 40 or above, disability, ancestry, pregnancy, off-the-job use of tobacco, retaliation			X	Cease and desist, reinstatement, hiring, promotion, back pay, front pay

Sources: *Guide to Employment Law and Regulation; annual year-end StateNet bill tracking searches, 2009-2014, Westlaw 50-state statute searches, July 2015.*

*Arizona, Connecticut, Delaware, Illinois, Maine, Nevada, New York, and Minnesota all have medical marijuana laws with anti-discrimination provisions addressed to employers, prohibiting adverse employment action against an employee solely for participating in the state's medical marijuana program, unless doing so would violate federal law or regulations. However, the laws do not necessarily preclude adverse employment action based on drug test results. States often have laws other than their anti-discrimination statutes that influence their treatment of drug testing in employment discrimination claims. <http://www.huntonlaborblog.com/2015/01/articles/employment-policies/antidiscrimination-provisions-in-state-medical-marijuana-laws-raise-additional-considerations-for-workplace-drug-testing/>

Note: Executive Orders prohibiting discrimination based on sexual orientation for state employers do not provide relief.