

House Bill 1652

By: Representative Lim of the 99th

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 36 and 50 of the Official Code of Georgia Annotated, relating to local
2 government and state government, respectively, so as to prohibit state agencies and local
3 governmental entities from enacting, adopting, implementing, or enforcing any policy that
4 promotes or permits discrimination, harassment, or retaliation based on a person's race, color,
5 creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition,
6 age, disability, national origin, ancestry, citizenship status, familial status, genetic
7 information, military or veteran status, or other status protected by federal or state law or
8 regulation; to require contracts with state agencies and local governmental entities entered
9 into or renewed after a certain date to include a provision allowing for the termination of
10 such contract if the contractor has enacted, adopted, implemented, or enforced any policy that
11 promotes or permits such discrimination, harassment, or retaliation; to require contractors
12 to provide certification before entering into or renewing contracts with state agencies and
13 local governmental entities; to provide for definitions; to provide for applicability; to provide
14 for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new Code section to read as follows:

"36-60-30.

(a) As used in this Code section, the term:

(1) 'Discrimination' means the unequal treatment of a person based on the person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation.

(2) 'Governing authority' means the official or group of officials responsible for the governance of a local governmental entity.

(3) 'Harassment' means physical, verbal, or nonverbal conduct that is either directed toward a person or reasonably offensive to a person because of the person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation.

(4) 'Local governmental entity' means a county, municipal corporation, consolidated government, authority, board of education, or other public board, body, or commission but shall not include any authority, board, department, or commission of the state.

(5) 'Retaliation' means an act or omission intended to punish or otherwise impact, or having the reasonably foreseeable effect of punishing or otherwise impacting, a person for submitting or assisting with the submission of a complaint of discrimination or harassment, for reporting or assisting with a report of discrimination or harassment, for participating in a discrimination or harassment investigation or proceeding, or for otherwise opposing discrimination or harassment.

(b) No local governmental entity or governing authority thereof shall enact, adopt, implement, or enforce any policy that promotes or permits discrimination, harassment, or retaliation based on a person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation.

(c)(1) Any contract for goods or services entered into or renewed by or on behalf of a local governmental entity on or after January 1, 2023, shall contain a provision that allows for the termination of the contract at the option of the local governmental entity if during the previous year the contractor has enacted, adopted, implemented, or enforced any policy that promotes or permits discrimination, harassment, or retaliation based on a person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation.

(2) At the time a contractor submits a bid or proposal for a contract or before the contractor enters into or renews a contract for goods or services with a local governmental entity, the contractor shall certify that the contractor does not promote or permit discrimination, harassment, or retaliation based on a person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation."

SECTION 2.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new Code section to read as follows:

"50-1-11.

(a) As used in this Code section, the term:

(1) 'Discrimination' means the unequal treatment of a person based on the person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation.

(2) 'Harassment' means physical, verbal, or nonverbal conduct that is either directed toward a person or reasonably offensive to a person because of the person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation.

(3) 'Retaliation' means an act or omission intended to punish or otherwise impact, or having the reasonably foreseeable effect of punishing or otherwise impacting, a person for submitting or assisting with the submission of a complaint of discrimination or harassment, for reporting or assisting with a report of discrimination or harassment, for participating in a discrimination or harassment investigation or proceeding, or for otherwise opposing discrimination or harassment.

(4) 'State agency' means any department, division, board, bureau, commission, or other agency of the state government or any state authority.

(b) No state agency shall enact, adopt, implement, or enforce any policy that promotes or permits discrimination, harassment, or retaliation based on a person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation.

(c)(1) Any contract for goods or services entered into or renewed by or on behalf of a state agency on or after January 1, 2023, shall contain a provision that allows for the termination of the contract at the option of the state agency if during the previous year the contractor has enacted, adopted, implemented, or enforced any policy that promotes or permits discrimination, harassment, or retaliation based on a person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation.

(2) At the time a contractor submits a bid or proposal for a contract or before the contractor enters into or renews a contract for goods or services with a state agency, the contractor shall certify that the contractor does not promote or permit discrimination, harassment, or retaliation based on a person's race, color, creed, religion, sex, sexual orientation, gender, pregnancy, childbirth or related condition, age, disability, national origin, ancestry, citizenship status, familial status, genetic information, military or veteran status, or other status protected by federal or state law or regulation."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.