

Senate Bill 320

By: Senators Halpern of the 39th, Jones II of the 22nd, Jackson of the 41st, Harrell of the 40th and Parent of the 44th

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 8, 10, 34, 35, 45, and 50 of the Official Code of Georgia Annotated, relating
2 to buildings and housing, commerce and trade, labor and industrial relations, law
3 enforcement officers and agencies, public officers and employees, and state government,
4 respectively, so as to provide comprehensive state civil rights laws protecting individuals
5 from discrimination in housing, public accommodations, and employment on the basis of
6 race, color, religion, sex, sexual orientation, gender identity, age, disability, familial status,
7 or national origin; to provide for legislative findings and intent; to extend protections
8 prohibiting discrimination in housing; to provide for the right to equal enjoyment of and
9 privileges to public accommodations and provide for a civil right of action and remedies; to
10 prohibit discrimination in private and public employment and provide for a private right of
11 action and remedies; to specifically prohibit racial profiling by law enforcement officers and
12 law enforcement agencies; to require certain policies and procedures by law enforcement
13 agencies; to provide for data collection; to provide for regulations by the Attorney General;
14 to provide for an annual report; to provide for a right of action for enforcement; to revise the
15 state waiver of sovereign immunity; to provide for waiver of sovereign immunity under
16 certain circumstances; to repeal the use of the term "handicap" and make conforming changes
17 with the use of the term "disability"; to provide for definitions; to provide for related matters;

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18 to provide for a short title; to provide for an effective date; to repeal conflicting laws; and for
19 other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **PART I**
22 **SECTION 1-1.**

23 This Act shall be known and may be cited as the "Georgia Civil Rights Act of 2025."

24 **SECTION 1-2.**

25 (a) The General Assembly finds that:

26 (1) Georgia is one of only three states without comprehensive state civil rights laws
27 protecting individuals from discrimination in employment, housing, and public
28 accommodations;

29 (2) The General Assembly has considered legislation in recent years adding specific
30 protections against discrimination for people based on religious beliefs, as well as sexual
31 orientation and gender identity in separate contexts;

32 (3) The Georgia Constitution guarantees equal protection under the law for all citizens;

33 (4) The Georgia Constitution guarantees the natural and inalienable right to worship God,
34 according to the dictates of a person's own conscience; and no human authority should, in
35 any case, control or interfere with such right of conscience;

36 (5) The Georgia Constitution holds that no one should be molested in person or property
37 on account of religious opinions; but the right of freedom of religion shall not be construed
38 as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety
39 of this state; and

40 (6) It is the duty of the General Assembly to enact such laws as will protect all citizens in
 41 the full enjoyment of the rights, privileges, and immunities due to such citizenship.

42 (b) It is the intent of the General Assembly:

43 (1) To expand and clarify civil rights laws in this state by addressing discrimination in
 44 employment, housing, and public accommodations; and

45 (2) That this Act shall be liberally construed to safeguard against the discrimination
 46 prohibited herein.

47 **PART II**

48 **SECTION 2-1.**

49 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
 50 amended by revising Code Section 8-3-200, relating to state policy and purposes and
 51 construction of article, as follows:

52 "8-3-200.

53 (a) It is the policy of the State of Georgia to provide, within constitutional limitations, for
 54 fair housing throughout this state.

55 (b) The general purposes of this article are:

56 (1) To provide for execution in ~~the~~ this state of policies embodied in Title VIII of the
 57 Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988;

58 (2) To safeguard all individuals from discrimination in any aspect relating to the sale,
 59 rental, or financing of dwellings or in the provision of brokerage services or facilities in
 60 connection with the sale or rental of a dwelling because of ~~that individual's~~ such
 61 individuals' race, color, religion, sex, sexual orientation, gender identity, age, disability
 62 ~~or handicap~~, familial status, or national origin;

63 (3) To promote the elimination of discrimination in any aspect relating to the sale, rental,
 64 or financing of dwellings or in the provision of brokerage services or facilities in

65 connection with the sale or rental of a dwelling because of a person's race, color, religion,
66 sex, sexual orientation, gender identity, age, disability or handicap, familial status, or
67 national origin; and

68 (4) To promote the protection of each individual's interest in personal dignity and
69 freedom from humiliation and the individual's freedom to take up residence wherever
70 such individual chooses; to secure the state against domestic strife and unrest which
71 would menace its democratic institutions; to preserve the public safety, health, and
72 general welfare; and to further the interests, rights, and privileges of individuals within
73 this state.

74 (c) This article shall be broadly construed to further the general purposes stated in this
75 Code section and the special purposes of the particular provision involved."

76 **SECTION 2-2.**

77 Said title is further amended by revising paragraphs (1) through (5) of subsection (a) of Code
78 Section 8-3-202, relating to unlawful practices in selling or renting dwellings and exceptions,
79 as follows:

80 "(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to
81 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to
82 any person because of race, color, religion, sex, sexual orientation, gender identity, age,
83 disability, familial status, or national origin;

84 (2) To discriminate against any person in the terms, conditions, or privileges of sale or
85 rental of a dwelling, or in the provision of services or facilities in connection therewith,
86 because of race, color, religion, sex, sexual orientation, gender identity, age, disability,
87 familial status, or national origin;

88 (3) To make, print, or publish or cause to be made, printed, or published any notice,
89 statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates
90 any preference, limitation, or discrimination based on race, color, religion, sex, sexual

91 orientation, gender identity, age, disability, familial status, or national origin, or an
 92 intention to make any such preference, limitation, or discrimination;

93 (4) To represent to any person because of race, color, religion, sex, sexual orientation,
 94 gender identity, age, disability, familial status, or national origin that any dwelling is not
 95 available for inspection, sale, or rental when such dwelling is in fact so available;

96 (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by
 97 representations regarding the entry or prospective entry into the neighborhood of a person
 98 or persons of a particular race, color, religion, sex, sexual orientation, gender identity,
 99 age, familial status, or national origin or with a disability;"

100 **SECTION 2-3.**

101 Said title is further amended by revising Code Section 8-3-203, relating to unlawful denial
 102 of or discrimination in membership or participation in service or organization relating to
 103 selling or renting dwellings, as follows:

104 "8-3-203.

105 It shall be unlawful to deny any person access to or membership or participation in any
 106 multiple-listing service, real estate brokers' organization, or other service, organization, or
 107 facility relating to the business of selling or renting dwellings or to discriminate against
 108 such person in the terms or conditions of such access, membership, or participation on
 109 account of ~~race, color, religion, sex, disability, familial status, or national origin~~ race, color,
 110 religion, national origin, sex, sexual orientation, gender identity, age, disability, familial
 111 status, or national origin."

112 **SECTION 2-4.**

113 Said title is further amended by revising subsections (b) and (c) of Code Section 8-3-204,
 114 relating to discrimination in residential real estate related transactions and appraisals, as
 115 follows:

116 "(b) It shall be unlawful for any person or other entity whose business includes engaging
 117 in residential real estate related transactions to discriminate against any person in making
 118 available such a transaction or in the terms or conditions of such a transaction because of
 119 race, color, religion, sex, sexual orientation, gender identity, age, disability, handicap,
 120 familial status, or national origin.

121 (c) Nothing in this article shall be construed to prohibit a person engaged in the business
 122 of furnishing appraisals of real property from taking into consideration factors other than
 123 ~~race, color, religion, national origin, sex, handicap, or familial status~~ race, color, religion,
 124 national origin, sex, sexual orientation, gender identity, age, disability, familial status, or
 125 national origin."

126 **SECTION 2-5.**

127 Said title is further amended by revising subsection (a) of Code Section 8-3-205, relating to
 128 permissible limitations in sale, rental, or occupancy of dwellings by religious organizations
 129 or private clubs and housing for older persons, as follows:

130 "(a) Nothing in this article shall prohibit a religious organization, association, or society,
 131 or any nonprofit institution or organization operated, supervised, or controlled by or in
 132 conjunction with a religious organization, association, or society, from limiting the sale,
 133 rental, or occupancy of dwellings which it owns or operates for ~~other than a commercial~~
 134 ~~purpose~~ noncommercial purposes to persons of the same religion or from giving preference
 135 to such persons unless membership in such religion is restricted on account of race, color,
 136 sex, sexual orientation, gender identity, age, disability, handicap, familial status, or national
 137 origin. Nothing in this article shall prohibit a private club not in fact open to the public,
 138 which as an incident to its primary purpose or purposes provides lodgings which it owns
 139 or operates for ~~other than a commercial purpose~~ noncommercial purposes, from limiting
 140 the rental or occupancy of such lodgings to its members or from giving preference to its
 141 members."

142 **PART III**
143 **SECTION 3-1.**

144 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
145 amended by adding a new chapter to read as follows:

146 "CHAPTER 16

147 10-16-1.

148 (a) It is the policy of the State of Georgia to provide, within constitutional limitations, for
149 equal enjoyment of public accommodations throughout this state.

150 (b) The general purpose of this chapter is to provide for execution in this state of the
151 policies embodied in 42 U.S.C. Section 2000a, et seq., as of January 1, 2025, and 42 U.S.C.
152 Section 1981, as of January 1, 2025.

153 (c) This chapter shall be broadly construed to further the general purposes stated in this
154 Code section and the special purposes of the particular provision involved.

155 10-16-2.

156 As used in this chapter, the term 'place of public accommodation' shall have the same
157 meaning as the term 'public accommodation' as set forth in the Americans with Disabilities
158 Act of 1990, 42 U.S.C. Section 12181, et seq., as of January 1, 2025.

159 10-16-3.

160 (a) All persons shall be entitled to the full and equal enjoyment of the goods, services,
161 facilities, privileges, advantages, and accommodations of any place of public
162 accommodation without discrimination or segregation on the basis of race, color, religion,
163 sex, sexual orientation, gender identity, age, disability, familial status, or national origin.

164 (b) It shall be unlawful for any person to:

165 (1) Withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive any
166 person of any right or privilege secured by subsection (a) of this Code section;

167 (2) Intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any
168 person with the purpose of interfering with any right or privilege secured by
169 subsection (a) of this Code section; or

170 (3) Punish or attempt to punish any person for exercising or attempting to exercise any
171 right or privilege secured by subsection (a) of this Code section.

172 10-16-4.

173 When any person has engaged or there are reasonable grounds to believe that any person
174 is about to engage in any act or practice prohibited by subsection (b) of Code
175 Section 10-16-3, a civil action for preventive relief, including an application for a
176 permanent or temporary injunction, restraining order, or other order, may be instituted by
177 the person aggrieved, and the court may grant such relief as it deems appropriate. In any
178 action commenced pursuant to this chapter, the court, in its discretion, may allow the
179 prevailing party reasonable attorney's fees as part of the costs.

180 10-16-5.

181 This chapter shall be broadly construed to safeguard against the discrimination prohibited
182 by this chapter."

183 **PART IV**

184 **SECTION 4-1.**

185 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
186 is amended by adding a new Code section to read as follows:

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187 "34-1-11.

188 (a)(1) It is the policy of the State of Georgia to provide, within constitutional limitations,
189 for equal employment opportunities throughout this state.

190 (2) The general purpose of this Code section is to provide for execution in this state of
191 policies embodied in 42 U.S.C. Section 2000e, et seq., as of January 1, 2025.

192 (b) As used in this Code section, the term 'employer' means a person engaged in an
193 industry affecting commerce, as defined in 42 U.S.C. Section 2000e, et. seq., as of
194 January 1, 2025, that has 15 or more employees for each working day in each of 20 or more
195 calendar weeks in the current or preceding calendar year, and any agent of such person.

196 Such term does not include:

197 (1) The United States, a corporation wholly owned by the government of the United
198 States, or an American Indian tribe;

199 (2) A bona fide private membership club, other than a labor organization, as defined
200 in 42 U.S.C. Section 2000e, et. seq., as of January 1, 2025, which is exempt from taxation
201 under Section 501(c)(3) of the Internal Revenue Code of 1986, as of January 1, 2025; or

202 (3) A public employer as defined in Code Section 45-19-22.

203 (c) It shall be unlawful for an employer to:

204 (1) Fail or refuse to hire or to discharge any individual, or otherwise to discriminate
205 against any individual with respect to such individual's compensation, terms, conditions,
206 or privileges of employment, because of such individual's race, color, religion, sex, sexual
207 orientation, gender identity, age, disability, familial status, or national origin; or

208 (2) Limit, segregate, or classify its employees or applicants for employment in any way
209 which would deprive or tend to deprive any individual of employment opportunities or
210 otherwise adversely affect such individual's status as an employee, because of such
211 individual's race, color, religion, sex, sexual orientation, gender identity, age, disability,
212 familial status, or national origin.

213 (d) An employee in this state shall have a private right of action for a claim against such
214 employee's employer on the basis of discrimination for a violation of subsection (c) of this
215 Code section.

216 (e)(1) If the court finds that a respondent has intentionally engaged in or is intentionally
217 engaging in an unlawful employment practice as charged in the complaint, the court may
218 enjoin the respondent from engaging in such unlawful employment practice, and order
219 such affirmative action as may be appropriate, which may include, but shall not be
220 limited to, reinstatement or hiring of employees, with or without back pay, or any other
221 equitable relief as the court deems appropriate. Back pay liability shall not accrue from
222 a date more than two years prior to the filing of a claim. Interim earnings or amounts
223 earnable with reasonable diligence by the person or persons discriminated against shall
224 operate to reduce the back pay otherwise allowable.

225 (2) No order of the court shall require the hiring, reinstatement, or promotion of an
226 individual as an employee, or the payment to such individual of any back pay, if such
227 individual was refused admission, employment, or advancement or was suspended,
228 expelled, or discharged for any reason other than such individual's race, color, religion,
229 sex, sexual orientation, gender identity, age, disability, familial status, or national origin
230 in violation of this Code section.

231 (f) This Code section shall be broadly construed to safeguard against the discrimination
232 prohibited in this Code section."

233 **SECTION 4-2.**

234 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
235 agencies, is amended by adding a new chapter to read as follows:

236

"CHAPTER 11237 35-11-1.238 This chapter shall be known and may be cited as the 'End Racial Profiling Act.'239 35-11-2.240 As used in this chapter, the term:

241 (1) 'Hit rate' means the percentage of stops and searches in which a law enforcement
242 officer finds drugs, a firearm, or other contraband that leads to an arrest. Such percentage
243 shall be calculated by dividing the total number of searches by the number of searches
244 that lead to arrests.

245 (2) 'Law enforcement agency' means any agency, organ, or department of this state, or
246 a subdivision or municipality thereof, whose primary functions include the enforcement
247 of criminal or traffic laws; the preservation of public order; the protection of life and
248 property; or the prevention, detection, or investigation of crime, including, but not limited
249 to, any department or unit organized by a college or university for purposes of Chapter 8
250 of Title 20.

251 (3) 'Law enforcement officer' means any agent or officer of this state, a political
252 subdivision or municipality of this state, an authority of this state, or a college or
253 university who, as a full-time or part-time employee, is vested either expressly by law or
254 by virtue of public employment or service with authority to enforce the criminal or traffic
255 laws through the power of arrest and whose duties include the preservation of public
256 order, the protection of life and property, or the prevention, detection, or investigation of
257 crime.

258 (4) 'Racial profiling' means the practice of a law enforcement agency or law enforcement
259 officer relying, to any degree, on actual or perceived race, color, religion, sex, sexual
260 orientation, gender identity, age, disability, familial status, or national origin in selecting

261 which individual to subject to routine or spontaneous investigatory activities or in
262 deciding upon the scope and substance of law enforcement activity following the initial
263 investigatory procedure.

264 (5) 'Routine or spontaneous investigatory activities' means the following activities by a
265 law enforcement officer:

266 (A) Interviews;

267 (B) Traffic stops;

268 (C) Pedestrian stops;

269 (D) Frisks and other types of body searches;

270 (E) Consensual or nonconsensual searches of the persons, property, vehicles, or
271 possessions of individuals, including, but not limited to, motorists and pedestrians,
272 using any form of public or private transportation; or

273 (F) Data collection and analysis, assessments, and predicated investigations.

274 35-11-3.

275 No law enforcement officer or law enforcement agency shall engage in racial profiling.

276 35-11-4.

277 (a) All law enforcement agencies shall:

278 (1) Maintain adequate policies and procedures designed to eliminate racial profiling; and

279 (2) Cease any existing practices that permit racial profiling.

280 (b) The policies and procedures provided for under paragraph (1) of subsection (a) of this
281 Code section shall include:

282 (1) A prohibition on racial profiling;

283 (2) Training on racial profiling issues;

284 (3) The collection of data in accordance with regulations issued by the Attorney General;

285 and

286 (4) Procedures for receiving, investigating, and responding meaningfully to complaints
287 alleging racial profiling by law enforcement officers.

288 (c) Beginning on July 1, 2025, and on July 1 of each year thereafter, the Attorney General
289 shall issue a public report based upon the data collected by the Attorney General pursuant
290 to this Code section for the prior calendar year. Such report shall detail for each law
291 enforcement agency the number of routine or spontaneous investigatory activities and the
292 hit rates. Such report shall disaggregate such data by race, ethnicity, and national origin.

293 35-11-5.

294 (a) The Attorney General or any individual injured by racial profiling may enforce this
295 chapter in a civil action for declaratory or injunctive relief filed in the superior court.

296 (b) In any action brought under this Code section, relief may be obtained against any:

297 (1) Agency, organ, or department of this state, or a subdivision or municipality thereof,
298 or a college or university that employed any law enforcement officer who engaged in
299 racial profiling;

300 (2) Law enforcement officer who engaged in racial profiling; or

301 (3) Any individual with supervisory authority over such law enforcement officer.

302 (c) Proof that the routine or spontaneous investigatory activities of law enforcement
303 officers in a jurisdiction have had a disparate impact on individuals because of such
304 individual's actual or perceived race, color, religion, sex, sexual orientation, gender
305 identity, age, disability, familial status, or national origin shall constitute prima-facie
306 evidence of a violation of this chapter.

307 (d) In any action or proceeding to enforce this chapter against any agency, organ, or
308 department of this state, or a subdivision or municipality thereof, or a college or university,
309 the court may allow a prevailing plaintiff, other than the Attorney General, reasonable
310 attorney's fees as part of the costs and may include expert's fees as part of the attorney's
311 fees."

312 **SECTION 4-3.**

313 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 314 is amended by revising Code Section 45-19-21, relating to the purposes and construction of
 315 the "Fair Employment Practices Act of 1978," as follows:

316 "45-19-21.

317 (a) The general purposes of this article are:

318 (1) To provide for execution within public employment in ~~the~~ this state of the policies
 319 embodied in Title VII of the federal Civil Rights Act of 1964 (78 Stat. 241), as amended
 320 by the Equal Employment Opportunity Act of 1972 (86 Stat. 103), as from time to time
 321 amended, the federal Age Discrimination in Employment Act of 1967 (81 Stat. 602), as
 322 from time to time amended, and the federal Rehabilitation Act of 1973 (87 Stat. 355), as
 323 from time to time amended;

324 (2) To safeguard all individuals in public employment from discrimination in
 325 employment; and

326 (3) To promote the elimination of discrimination against all individuals in public
 327 employment because of such individuals' ~~race, color, religion, national origin, sex,~~
 328 ~~disability, or age~~ race, color, religion, sex, sexual orientation, gender identity, age,
 329 disability, familial status, or national origin, thereby to promote the protection of their
 330 interest in personal dignity and freedom from humiliation; to make available to ~~the~~ this
 331 state their full productive capacities; to secure ~~the~~ this state against domestic strife and
 332 unrest which would menace its democratic institutions; to preserve the public safety,
 333 health, and general welfare; and to further the interests, rights, and privileges of
 334 individuals within ~~the~~ this state.

335 (b) This article shall be broadly construed to further the general purposes stated in this
 336 Code section and the special purposes of the particular provision involved.

337 (c) Nothing in this article shall be construed as indicating an intent to exclude local or
 338 federal laws on the same subject matter, which laws are not inconsistent with this article.

339 (d) Nothing contained in this article shall be deemed to repeal any other nonconflicting law
 340 of this state relating to discrimination because of ~~race, color, religion, national origin, sex,~~
 341 ~~disability, or age~~ race, color, religion, sex, sexual orientation, gender identity, age,
 342 disability, familial status, or national origin."

343 **SECTION 4-4.**

344 Said title is further amended by revising paragraph (4) of Code Section 45-19-22, relating
 345 to definitions relative to the "Fair Employment Practices Act of 1978," as follows:

346 "(4) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,
 347 restriction, segregation, limitation, refusal, denial, or any other act or practice of
 348 differentiation or preference in the treatment of a person or persons because of ~~race,~~
 349 ~~color, religion, national origin, sex, disability, handicap, or age~~ race, color, religion, sex,
 350 sexual orientation, gender identity, age, disability, familial status, or national origin, or
 351 the aiding, abetting, inciting, coercing, or compelling of such an act or practice. Such
 352 term shall not include any direct or indirect act or practice of exclusion, distinction,
 353 restriction, segregation, limitation, refusal, denial, or any other act or practice of
 354 differentiation or preference in the treatment of a person or persons because of religion
 355 if an employer demonstrates that the employer is unable to accommodate reasonably an
 356 employee's or prospective employee's religious observance or practice without undue
 357 hardship on the conduct of the employer's operation."

358 **SECTION 4-5.**

359 Said title is further amended by revising paragraphs (8) and (14) of Code Section 45-19-27,
 360 relating to additional powers and duties of the administrator of the Commission on Equal
 361 Opportunity, as follows:

362 "(8) To receive, initiate, investigate, seek to conciliate, and make determinations
 363 regarding complaints alleging violations of this article and to approve or disapprove plans

364 required by the Governor to eliminate or reduce imbalance in employment with respect
 365 to ~~race, color, disability, religion, sex, national origin, or age~~ race, color, religion, sex,
 366 sexual orientation, gender identity, age, disability, familial status, or national origin;"
 367 "(14) To adopt, promulgate, amend, and rescind, subject to approval of the board and the
 368 Governor and after giving proper notice and hearing to all public employers pursuant to
 369 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and
 370 regulations as may be necessary to carry out the provisions of this article, including
 371 regulations requiring the posting or inclusion in advertising material of notices prepared
 372 or approved by the administrator and regulations regarding the filing, approval, or
 373 disapproval of plans to eliminate or reduce imbalance in employment with respect to ~~race,~~
 374 ~~color, disability, religion, sex, national origin, or age~~ race, color, religion, sex, sexual
 375 orientation, gender identity, age, disability, familial status, or national origin;"

376 **SECTION 4-6.**

377 Said title is further amended by revising Code Section 45-19-29, relating to unlawful
 378 practices generally relative to fair employment practices, as follows:

379 "45-19-29.

380 It is an unlawful practice for an employer:

381 (1) To fail or refuse to hire, to discharge, or otherwise to discriminate against any
 382 individual with respect to the individual's compensation, terms, conditions, or privileges
 383 of employment because of such individual's ~~race, color, religion, national origin, sex,~~
 384 ~~disability, or age~~ race, color, religion, sex, sexual orientation, gender identity, age,
 385 disability, familial status, or national origin;

386 (2) To limit, segregate, or classify his such employer's employees in any way which
 387 would deprive or tend to deprive an individual of employment opportunities or otherwise
 388 adversely affect an individual's status as an employee because of such individual's race,

389 color, religion, ~~national origin~~, sex, sexual orientation, gender identity, age, disability,
 390 familial status, or national origin ~~disability, or age~~; or
 391 (3) To hire, promote, advance, segregate, or affirmatively hire an individual solely
 392 because of race, color, religion, ~~national origin~~, sex, sexual orientation, gender identity,
 393 age, disability, familial status, or national origin ~~disability, or age~~, but this paragraph shall
 394 not prohibit an employer from voluntarily adopting and carrying out a plan to fill
 395 vacancies or hire new employees in a manner to eliminate or reduce imbalance in
 396 employment with respect to ~~race, color, disability, religion, sex, national origin, or age~~
 397 race, color, religion, sex, sexual orientation, gender identity, age, disability, familial
 398 status, or national origin if the plan has first been filed with the administrator for review
 399 and comment for a period of not less than 30 days."

400

SECTION 4-7.

401 Said title is further amended by revising Code Section 45-19-30, relating to unlawful
 402 practices in training or apprenticeship programs, as follows:

403 "45-19-30.

404 It is an unlawful practice for an employer controlling apprenticeship or other training or
 405 retraining, including on-the-job training programs, to discriminate against an individual
 406 because of such individual's race, color, religion, ~~national origin~~, sex, sexual orientation,
 407 gender identity, age, disability, familial status, or national origin ~~disability, or age~~ in
 408 admission to or employment in any program established to provide apprenticeship or other
 409 training or to discriminate by allowing admission or promotion to an apprenticeship or
 410 training program solely because of ~~race, color, religion, national origin, sex, disability, or~~
 411 age race, color, religion, sex, sexual orientation, gender identity, age, disability, familial
 412 status, or national origin."

413 **SECTION 4-8.**

414 Said title is further amended by revising Code Section 45-19-31, relating to unlawful
415 practices in advertisement of employment, as follows:

416 "45-19-31.

417 It is an unlawful practice for an employer to print or publish or cause to be printed or
418 published a notice or advertisement relating to employment by such an employer indicating
419 any preference, limitation, specification, or discrimination based on race, color, religion,
420 ~~national origin~~, sex, sexual orientation, gender identity, age, disability, familial status, or
421 national origin ~~disability, or age~~, except that such a notice or advertisement may indicate
422 a preference, limitation, or specification based on ~~race, color~~, religion, ~~national origin~~, sex,
423 sexual orientation, gender identity, age, disability, or national origin ~~disability, or age~~ when
424 religion, ~~national origin~~, sex, sexual orientation, gender identity, age, disability, or national
425 origin ~~disability, or age~~ is a bona fide occupational qualification for employment."

426 **SECTION 4-9.**

427 Said title is further amended by revising Code Section 45-19-33, relating to different
428 standards of compensation or different terms and conditions of employment where not based
429 on race, color, religion, sex, national origin, disability, or age, as follows:

430 "45-19-33.

431 It is not an unlawful practice for an employer to apply different standards of compensation
432 or different terms, conditions, or privileges of employment pursuant to a bona fide seniority
433 or merit system, or a system which measures earnings by quantity or quality of production,
434 or to employees who work in different locations, provided that such differences are not the
435 result of an intention to discriminate because of ~~race, color, religion, national origin, sex,~~
436 ~~disability, or age~~ race, color, religion, sex, sexual orientation, gender identity, age,
437 disability, familial status, or national origin; nor is it an unlawful practice for an employer
438 to give and to act upon the results of any professionally developed ability test, provided

439 that such test, its administration, or action upon the results thereof is not designed,
 440 intended, or used to discriminate because of ~~race, color, religion, national origin, sex,~~
 441 ~~disability, or age~~ race, color, religion, sex, sexual orientation, gender identity, age,
 442 disability, familial status, or national origin."

443 **SECTION 4-10.**

444 Said title is further amended by revising subsections (b) and (c) of Code Section 45-19-35,
 445 relating to use of quotas because of imbalances in employee ratios prohibited, grants of
 446 preferential treatment to certain individuals or groups not required by the "Fair Employment
 447 Practices Act of 1978," adoption of plans required by Governor to reduce imbalance, and
 448 effect of the "Fair Employment Practices Act of 1978" upon certain employment practices,
 449 as follows:

450 "(b) Nothing contained in this article requires an employer to grant preferential treatment
 451 to an individual or to a group because of the race, color, religion, ~~national origin,~~ sex,
 452 sexual orientation, gender identity, age, disability, familial status, or national origin,
 453 ~~disability, or age~~ of the individual or group on account of an imbalance which may exist
 454 with respect to the total number or percentage of persons of any race, color, religion,
 455 ~~national origin,~~ sex, sexual orientation, gender identity, age, disability, familial status, or
 456 national origin ~~disability, or age in the~~ in this state or a community, section, or other area
 457 or in the available ~~work force~~ workforce in the this state or a community, section, or other
 458 area.

459 (c) It is specifically provided that neither subsection (a) nor (b) of this Code section nor
 460 any other provision of this article shall prohibit an employer from adopting or carrying out
 461 a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance
 462 in employment with respect to race, color, ~~disability,~~ religion, sex, ~~national origin,~~ sexual
 463 orientation, gender identity, age, disability, familial status, or national origin ~~or age~~ if such

464 plan is required by the Governor and filed with and approved by the administrator prior to
465 its final adoption and implementation."

466 **SECTION 4-11.**

467 Said title is further amended by revising paragraph (7) of subsection (c) of Code
468 Section 45-19-38, relating to findings, conclusions, and order of hearing officer generally and
469 order to cease and desist from unlawful practice and to take remedial action, as follows:

470 "(7) Recommending to the Governor that the respondent be required to adopt and file
471 with the administrator, within a specified time limitation, for the administrator's approval
472 a plan to fill vacancies or hire new employees in a manner to eliminate or reduce
473 imbalance in employment with respect to race, color, ~~disability~~, religion, sex, ~~national~~
474 ~~origin~~, sexual orientation, gender identity, age, disability, familial status, or national
475 origin or age."

476 **SECTION 4-12.**

477 Said title is further amended by revising paragraph (1) of subsection (b) of Code
478 Section 45-20-1, relating to purposes and principles relative to personnel administration of
479 public officers and employees, as follows:

480 "(1) Assuring fair treatment of applicants and employees in all aspects of personnel
481 administration without regard to ~~race, color, national origin, sex, age, disability, religious~~
482 ~~creed~~, race, color, religion, sex, sexual orientation, gender identity, age, disability,
483 familial status, or national origin, or political affiliations. This 'fair treatment' principle
484 includes compliance with all state and federal equal employment opportunity and
485 nondiscrimination laws;"

486

SECTION 4-13.

487 Said title is further amended by revising paragraph (2) of Code Section 45-20-4, relating to
488 duties and responsibilities of commissioner relative to personnel administration, as follows:

489 "(2) To submit to the Governor the rules and regulations adopted by the board. Such
490 rules and regulations when approved by the Governor shall have the force and effect of
491 law and shall be binding upon the state departments covered by this article and shall
492 include provisions for the establishment and maintenance of classification and
493 compensation plans, the conduct of examinations, appointments, promotions, transfers,
494 demotions, appeals of classified employees, reports of performance, payroll certification,
495 and other phases of personnel administration. Such rules and regulations shall define and
496 prohibit improper political activity by any departmental employee of the State Personnel
497 Board or any employee covered under the terms of this article and shall provide that there
498 shall be no discrimination for or against any person or employee in any manner, to
499 include, but not be limited to, hiring, discharge, compensation, benefits, terms or
500 conditions of employment, promotion, job classification, transfer, privileges, or demotion
501 because of political affiliation, religious affiliation, race, color, ~~creed~~, ~~national origin~~, sex,
502 sexual orientation, gender identity, disability, familial status, or age between 40 and 70
503 years, or physical disability. Such rules and regulations shall conform to the minimum
504 standards for merit systems of personnel administration as specified by those federal
505 departments from which federal funds are obtained for use by the several state
506 departments covered by this article. Compensation plans and modifications thereto
507 promulgated under the rules and regulations of the commissioner shall become effective
508 as adopted upon approval ~~of~~ by the director of the Office of Planning and Budget;"

509 **SECTION 4-14.**

510 Said title is further amended by revising subparagraph (C) of paragraph (3) of Code
511 Section 45-20-51, relating to definitions relative to voluntary deductions from wages or
512 salaries of state employees for benefit of charitable organizations, as follows:

513 "(C) Observes a policy and practice of nondiscrimination on the basis of race, color,
514 religion, sex, ~~national origin, or disability~~, sexual orientation, gender identity, age,
515 disability, familial status, or national origin, and such policy is applicable to persons
516 served by the agency, to agency staff employment, and to membership on the agency's
517 governing board; and"

518 **SECTION 4-15.**

519 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
520 in Article 2 of Chapter 21, relating to state tort reforms, by adding a new Code section to read
521 as follows:

522 "50-21-38.

523 The defense of sovereign immunity is waived as to any claim, counterclaim, cross-claim,
524 or third-party claim brought in the courts of this state by an aggrieved person seeking a
525 declaratory judgment, injunctive relief, or reasonable attorney's fees against the state or any
526 political subdivision thereof under Chapter 11 of Title 35; provided, however, that
527 sovereign immunity shall not be waived as to any claim for monetary damages that are
528 included in or related to such claim, counterclaim, cross-claim, or third-party claim. This
529 Code section shall not be construed to alter or amend any other waiver of sovereign
530 immunity provided by law."

531

PART V

532

SECTION 5-1.

533 This Act shall become effective on January 1, 2026.

534

SECTION 5-2.

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