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Michigan Persons with Disabilities Act: MCL 37.1101 et seq.

2. The Law Applies to:

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DISCRIMINATION IN ADVERTISING

Several state and federal statutes prohibit advertising for employment, public accommodations, and housing that discriminates on the basis of race, sex, color religion, national origin, age, height and weight, marital status, familial status, handicap and arrest record. Newspapers can be liable for publishing discriminatory housing ads. As to other kinds of prohibited advertising, only advertisers have liability for a discriminatory ad. However, as a service to advertisers, newspapers may assist advertisers in complying with the law.

What follows here is a summary of the laws prohibiting discrimination in advertising. This summary does not deal with the application of these laws in other contexts such as hiring or providing service or renting property. It deals solely with the contents of advertisements which may violate these state and federal statutes.

To reiterate:

By law advertisements shall not discriminate

I. Advertising Employment Discrimination.

While the courts have declined to hold newspapers and other media sources responsible for employment advertisements that violate the anti-discrimination laws, it is wise to avoid the issue altogether by addressing it before problems arise. If the media source were able to advise the employer to reform the advertisement prior to publication, it may save the advertiser and the newspaper much unnecessary aggravation.

A. Protected Classes

In Michigan, it is illegal to place advertisements expressing a hiring preference based on sex, race, color, national origin, religion, age, height, weight, marital status, or disability.

B. Enforcement

1. The Applicable Laws

U.S. Civil Rights Act of 1964 (Title VII): 42 U.S.C. 2000e *et seq.*

Title VII protects individuals from discrimination on the basis of race, color, religion, sex, or national origin and accordingly prohibits employers from advertising hiring preferences based on those qualities. Title VII creates the Equal Employment Opportunity Commission (EEOC), which enforces the provisions pertaining to discriminatory hiring and advertising.

EXAMPLE: “Wanted: attractive, young female for stewardess position.” This violates Title VII because the ad specifies the sex of the desired employee and uses sex-referential language (stewardess).

Age Discrimination in Employment Act (ADEA): 29 U.S.C. § 621 *et seq.*

The ADEA prohibits age discrimination in employment and prohibits advertisements indicating a preference for a certain age group. The ADEA is enforced by the EEOC in cooperation with the Labor Department and state and local agencies. An employer who violates the ADEA may be investigated by these agencies. It may

also be sued by aggrieved employees for damages or an injunction (a court order requiring the defendant to do something or to stop doing something).

EXAMPLE: “Supplement your retirement income.” This violates the ADEA because it suggests the age group that the employer’s ad targets. The ad should instead describe the wages and allow the prospective applicants choose whether to apply.

Elliott-Larsen Civil Rights Act: MCL 37.2101 et seq.

The Elliott-Larsen Act prohibits discrimination in both employment and in public accommodations on the bases of religion, race, color, national origin, age, sex, height, weight, familial status, and marital status. Advertising indicating discrimination based on these qualities is prohibited. The Elliott-Larsen Act prohibits both employers and individuals seeking employment from placing advertisements evidencing the intent to discriminate on these bases. The Elliott-Larsen Act is enforced by the Michigan Department of Civil Rights (MDCR) and also allows aggrieved individuals to sue in court.

EXAMPLE: See Chart I for examples.

Michigan Persons with Disabilities Act: MCL 37.1101 et seq.

The Michigan Persons with Disabilities Act prohibits the publication of advertisements by employer indicating a preference based on a disability that is unrelated to the individual’s ability to perform the duties of a particular job or position. It also prohibits advertising indicating a preference with respect to public

accommodations. The Act is enforced by the MDCR and allows individuals to sue under it in court.

EXAMPLE: “Strong workers” or “must pass physical.” This would violate the Act because it refers to the prospective employees, not to the job requirements. If a physical is necessary, the ad should read “job-related physical required.”

2. The Law Applies to:

a. Employers, employment agencies, etc.

The law applies to employers, labor organizations, employment agencies, and joint labor-management committees controlling apprenticeship or other training or retraining programs. These parties are prohibited from printing, publishing, or causing to be printed or published any advertisement expressing a preference based on any of the qualities listed above.

b. Individuals

Michigan law prohibits an individual seeking employment from publishing an employment advertisement disclosing the individual’s religion, race, color, national origin, age, sex, height, weight, or marital status. Individuals seeking employment are also prohibited from publishing a preference based on the employer’s membership in these protected classes.

EXAMPLE: “Six foot blonde female measuring 36-24-36 seeks waitress position” or “Individual seeks work for young executive.” These ads are illegal because

the first encourages the employer to discriminate unlawfully and the second does discriminate unlawfully.

3. Who enforces the law?

Should a newspaper or other media source publish an advertisement for employment that expresses a preference based on an illegal criterion, the matter will be pursued by either the Michigan Department of Civil Rights (MDCR) or the Equal Employment Opportunity Commission (EEOC). The EEOC has an agreement with the MDCR that allows the MDCR to handle claims arising in the jurisdiction of the EEOC, so it is likely that any administrative action would be pursued by the MDCR. In some instances, aggrieved persons may simply sue the newspaper and the advertiser for damages or an injunction in court.

4. Exceptions

There is an exception to the rule banning language indicating discrimination in hiring. Employers may advertise preferences, limitations, or specifications based on membership in the protected class if that preference is a “bona fide occupational qualification” for employment (BFOQ). Essentially, the employer is required to have a good-faith belief that membership in the protected class is necessary in order for the employee to perform the job requirements.

EXAMPLE: A nursing home may advertise for a female nurse to assist the female residents of the home with personal tasks such as bathing. A religious institution may advertise a preference for employees of a certain faith if the job requires teaching the faith.

C. Examples of Illegal and Legal Language

The MDCR has published a pamphlet that will be very helpful to those deciding whether to publish advertising. The MDCR recommends:

| DON'T USE | DO USE | EXAMPLE |
|--|---|--|
| "Help wanted male" "Opportunity for career woman" | Language that doesn't specify sex. | "Flight Attendant" "Salesperson" "Wait Staff/Server" |
| "Whites only" "U.S. citizens only" | Language that doesn't refer to race, color, | "Minorities, women, and and persons with |

| | | |
|--|---|--|
| | ethnicity or ancestry. | disabilities welcome to apply.” |
| “Supplement your retirement income” “Young person/mature person wanted” “College student” “Recent college graduate” | Age neutral language. Language that refers to the advantages of the job. | “Wanted: Individuals of all ages” “Excellent source of income for retiree, student” “Young office group seeks” “Junior” |
| “Able-bodied” “Strong workers” “Must pass physical” | Language that describes job requirements, or that employment is conditional upon passing appropriate tests. | “Employment subject to passing job-related physical exam” “Job involves lifting 50-pound boxes.” |
| “Single individual” “Slender build” “Weight proportional to height” | Language that describes job duties rather than physical appearance or marital status. | “Job involves climbing ladders.” “Job requires frequent overnight travel.” |
| “Clean shaven” (May exclude members of some religious minorities.) | “Saturday/Sunday availability required.” | “Job duties include teaching classes in Christian religious doctrine.” |

FOR MORE INFORMATION, VISIT www.michigan.gov/mdcr/ AND www.eeoc.gov.

II. Advertising Discrimination Related to Public Accommodations.

A. Protected Classes

In Michigan, it is illegal to place advertisements for public accommodations expressing a preference based on sex, race, color, national origin, religion, age, height, weight, marital status, or disability.

B. What is a “Public Accommodation”?

The Elliott-Larsen Act defines “public accommodation” as “a business, or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.” Private clubs, such as country clubs, golf clubs, boating or yachting clubs, sports clubs, and dining clubs are considered public accommodations in Michigan if they are licensed to serve liquor. The general rule is that any place made available to the public is a public accommodation.

C. Enforcement

1. The Applicable Laws

42 U.S.C. § 1981

Section 1981 of the United States Code guarantees every individual equal rights under the law. That is, everyone has a right to make contracts under the law and a right to enjoy the same rights as others. This section has been interpreted to proscribe advertising that articulates discriminatory practices with regard to public accommodations.

EXAMPLE: Black prospective home purchasers brought an action against the New York Times alleging that the real estate advertisements violated Fair Housing Laws (which are very similar to those enforced under Section 1981) because the ads featured only white models.

The Elliott-Larsen Civil Rights Act: MCL 37.2101 et seq.

The Elliott-Larsen Civil Rights Act specifically protects individuals' rights to enjoy public accommodations. The Act forbids discrimination in the "full and equal enjoyment" of public accommodations, disallowing discrimination based on religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. The Act also prohibits advertising that indicates that individuals rights to the enjoyment of public accommodations will be refused on the basis of their membership in one of the above groups.

EXAMPLE: See Chart II for examples.

Michigan Persons with Disabilities Act: MCL 37.1101*et seq.*

The Michigan Persons with Disabilities Act prohibits discrimination in the enjoyment of public accommodations on the basis of a disability. The Act also prohibits advertisements indicating that those with disabilities are unwelcome to enjoy public accommodations.

EXAMPLE: An ad reading: "No wheelchair access" or "absolutely no pets" would violate the Michigan Persons with Disabilities Act because it would communicate that the disabled are unwelcome to enjoy the public accommodation.

2. The Law Applies to:

a. Everyone

The law applies to any person advertising goods, services, facilities, privileges, advantages, and accommodations that qualify as public accommodations.

3. Who Enforces the Law?

a. Individuals

Individuals enforce these laws by filing civil lawsuits against those persons who violate them. Individuals may sue in federal court for violations of 42 USC § 1983 and they may sue in state court for violations of the Elliott-Larsen Civil Rights Act and the Michigan Persons with Disabilities Act.

b. MDCR

The MDCR also has the authority to pursue complaints of discriminatory advertising under Michigan law. The MDCR will investigate these claims.

D. Examples of Illegal and Legal Language

| DON'T USE | DO USE | EXAMPLE |
|---|---|---|
| “Men’s club” “Gentlemen’s tap room” “Unaccompanied ladies not served” | Language describing the accommodation, not those who are welcome. | “Golf club with excellent dining and billiard facilities” |
| “Americans only” Advertising picturing only white people Society pages featuring only white people. | Language that doesn’t refer to race or to ethnicity | “All are welcome.” Use models from all backgrounds. |
| Advertising picturing only young people | Advertise qualities of the accommodation, | “Fun for all ages.” “Activities for the whole |

| | | |
|--|--|--|
| <p>“Mature audiences only” “Great college bar.”</p> | <p>not the qualities of the people welcome.</p> | <p>family.”</p> |
| <p>“Absolutely no pets.” “No wheelchair access.”</p> | <p>Advertise the facility and the accommodations made for those with disabilities.</p> | <p>“Disabled welcome” “Wheelchair access available.”</p> |
| <p>“No children” “Married couples only”</p> | <p>Avoid language about the people using the accommodation and publicize the kids are welcome.</p> | <p>“Fun for the whole family” “Activities for the kids”</p> |
| <p>“Dress to impress” “The ladies at our club are smoking hot”</p> | <p>Language that describes the club, not the patrons.</p> | <p>“Fun for all” “What a diverse crowd”</p> |
| <p>“No Muslims” “No Jews” “Good Christian patrons”</p> | <p>Language that does not refer to the religion of those enjoying the accommodation.</p> | <p>“Christian and Protestant churches nearby” “Mass every day”</p> |

FOR MORE INFORMATION VISIT www.michigan.gov/mdcr/.

APPENDIX: STATUTORY PROVISIONS

EMPLOYMENT LAW

TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 21--CIVIL RIGHTS

SUBCHAPTER VI-EQUAL EMPLOYMENT OPPORTUNITIES

Sec. 2000e-3. Other unlawful employment practices

(a) Discrimination for making charges, testifying, assisting, or

participating in enforcement proceedings

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

(b) Printing or publication of notices or advertisements indicating prohibited preference, limitation, specification, or discrimination; occupational qualification exception

It shall be an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

TITLE 29--LABOR

CHAPTER 14--AGE DISCRIMINATION IN EMPLOYMENT

Sec. 623. Prohibition of age discrimination

(a) Employer practices

It shall be unlawful for an employer--

(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;

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

(3) to reduce the wage rate of any employee in order to comply with this chapter.

(b) Employment agency practices

It shall be unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of such individual's age, or to classify or refer for employment any individual on the basis of such individual's age.

(c) Labor organization practices

It shall be unlawful for a labor organization--

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his age;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's age;

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) Opposition to unlawful practices; participation in investigations, proceedings, or litigation

It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because such individual, member or applicant for membership has opposed any practice made unlawful by this section, or because such individual, member or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding,

or litigation under this chapter.

(e) Printing or publication of notice or advertisement indicating preference, limitation, etc.

It shall be unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on age.

(f) Lawful practices; age an occupational qualification; other reasonable factors; laws of foreign workplace; seniority system; employee benefit plans; discharge or discipline for good cause

It shall not be unlawful for an employer, employment agency, or labor organization--

(1) to take any action otherwise prohibited under subsections (a), (b), (c), or (e) of this section where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age, or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located;

(2) to take any action otherwise prohibited under subsection (a), (b), (c), or (e) of this section--

(A) to observe the terms of a bona fide seniority system that is not intended to evade the purposes of this chapter, except that no such seniority system shall require or permit the involuntary retirement of any individual specified by section 631(a) of this title because of the age of such individual; or

(B) to observe the terms of a bona fide employee benefit plan--

(i) where, for each benefit or benefit package, the actual amount of payment made or cost incurred on behalf of an older worker is no less than that made or incurred on behalf of a younger worker, as permissible under section 1625.10, title 29, Code of Federal Regulations (as in effect on June 22, 1989); or

(ii) that is a voluntary early retirement incentive plan consistent with the relevant purpose or purposes of this

chapter.

Notwithstanding clause (i) or (ii) of subparagraph (B), no such employee benefit plan or voluntary early retirement incentive plan shall excuse the failure to hire any individual, and no such employee benefit plan shall require or permit the involuntary retirement of any individual specified by section 631(a) of this title, because of the age of such individual. An employer, employment agency, or labor organization acting under subparagraph (A), or under clause (i) or (ii) of subparagraph (B), shall have the burden of proving that such actions are lawful in any civil enforcement proceeding brought under this chapter; or
(3) to discharge or otherwise discipline an individual for good cause.

(g) Repealed. Pub. L. 101-239, title VI, Sec. 6202(b)(3)(C)(i), Dec. 19, 1989, 103 Stat. 2233

(h) Practices of foreign corporations controlled by American employers; foreign employers not controlled by American employers; factors determining control

(1) If an employer controls a corporation whose place of incorporation is in a foreign country, any practice by such corporation prohibited under this section shall be presumed to be such practice by such employer.

(2) The prohibitions of this section shall not apply where the employer is a foreign person not controlled by an American employer.

(3) For the purpose of this subsection the determination of whether an employer controls a corporation shall be based upon the--

- (A) interrelation of operations,
- (B) common management,
- (C) centralized control of labor relations, and
- (D) common ownership or financial control,

of the employer and the corporation.

(i) Employee pension benefit plans; cessation or reduction of benefit accrual or of allocation to employee account; distribution of benefits after attainment of normal retirement age; compliance; highly compensated employees

(1) Except as otherwise provided in this subsection, it shall be unlawful for an employer, an employment agency, a labor organization, or any combination thereof to establish or maintain an employee pension benefit plan which requires or permits--

(A) in the case of a defined benefit plan, the cessation of an employee's benefit accrual, or the reduction of the rate of an employee's benefit accrual, because of age, or

(B) in the case of a defined contribution plan, the cessation of allocations to an employee's account, or the reduction of the rate at which amounts are allocated to an employee's account, because of age.

(2) Nothing in this section shall be construed to prohibit an employer, employment agency, or labor organization from observing any provision of an employee pension benefit plan to the extent that such provision imposes (without regard to age) a limitation on the amount of benefits that the plan provides or a limitation on the number of years of service or years of participation which are taken into account for purposes of determining benefit accrual under the plan.

(3) In the case of any employee who, as of the end of any plan year under a defined benefit plan, has attained normal retirement age under such plan--

(A) if distribution of benefits under such plan with respect to such employee has commenced as of the end of such plan year, then any requirement of this subsection for continued accrual of benefits under such plan with respect to such employee during such plan year shall be treated as satisfied to the extent of the actuarial equivalent of in-service distribution of benefits, and

(B) if distribution of benefits under such plan with respect to such employee has not commenced as of the end of such year in accordance with section 1056(a)(3) of this title and section 401(a)(14)(C) of title 26, and the payment of benefits under such plan with respect to such employee is not suspended during such plan year pursuant to section 1053(a)(3)(B) of this title or section 411(a)(3)(B) of title 26, then any requirement of this subsection for continued accrual of benefits under such plan with respect to such employee during such plan year shall be treated as satisfied to the extent of any adjustment in the benefit payable under the plan during such plan year attributable to the delay in the distribution of benefits after the attainment of normal retirement age.

The provisions of this paragraph shall apply in accordance with regulations of the Secretary of the Treasury. Such regulations shall provide for the application of the preceding provisions of this paragraph to all employee pension benefit plans subject to this subsection and may provide for the application of such provisions, in the case of any such employee, with respect to any period of time within a plan year.

(4) Compliance with the requirements of this subsection with respect to an employee pension benefit plan shall constitute compliance with the

requirements of this section relating to benefit accrual under such plan.

(5) Paragraph (1) shall not apply with respect to any employee who is a highly compensated employee (within the meaning of section 414(q) of title 26) to the extent provided in regulations prescribed by the Secretary of the Treasury for purposes of precluding discrimination in favor of highly compensated employees within the meaning of subchapter D of chapter 1 of title 26.

(6) A plan shall not be treated as failing to meet the requirements of paragraph (1) solely because the subsidized portion of any early retirement benefit is disregarded in determining benefit accruals or it is a plan permitted by subsection (m) of this section..1\

ELLIOTT-LARSEN CIVIL RIGHTS ACT (EXCERPT)

Act 453 of 1976

37.2206 Employer, labor organization, or employment agency; prohibited practices.
[M.S.A. 3.548(206)]

Sec. 206. (1) An employer, labor organization, or employment agency shall not print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign relating to employment by the employer, or relating to membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, which indicates a preference, limitation, specification, or discrimination, based on religion, race, color, national origin, age, sex, height, weight, or marital status.

(2) Except as permitted by rules promulgated by the commission or by applicable federal law, an employer or employment agency shall not: (a) Make or use a

written or oral inquiry or form of application that elicits or attempts to elicit information concerning the religion, race, color, national origin, age, sex, height, weight, or marital status of a prospective employee.

(b) Make or keep a record of information described in subdivision (a) or to disclose that information.

(c) Make or use a written or oral inquiry or form of application that expresses a preference, limitation, specification, or discrimination based on religion, race, color, national origin, age, sex, height, weight, or marital status of a prospective employee.

PERSONS WITH DISABILITIES CIVIL RIGHTS ACT (EXCERPT)

Act 220 of 1976

37.1206 Prohibited notices, advertisements, inquiries, applications, and records.

Sec. 206. (1) An employer, labor organization, or employment agency shall not print or publish or cause to be printed or published a notice or advertisement relating to employment by the employer or membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, indicating a preference, limitation, specification, or discrimination, based on a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

(2) Except as permitted by applicable federal law, an employer or employment agency shall not: (a) Make or use a written or oral inquiry or form of application that elicits or attempts to elicit information concerning the disability of a prospective employee for reasons contrary to the provisions or purposes of this act.

(b) Make or keep a record of information or disclose information concerning the disability of a prospective employee for reasons contrary to the provisions or purposes of this act.

(c) Make or use a written or oral inquiry or form of application that expresses a preference, limitation, or specification based on the disability of a prospective employee for reasons contrary to the provisions or purposes of this act.

ELLIOTT-LARSEN CIVIL RIGHTS ACT (EXCERPT)

Act 453 of 1976

37.2208 Application for exemption; bona fide occupational qualification. [M.S.A. 3.548(208)]

Sec. 208. A person subject to this article may apply to the commission for an exemption on the basis that religion, national origin, age, height, weight, or sex is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Upon sufficient showing, the commission may grant an exemption to the appropriate section of this article. An employer may have a bona fide occupational qualification on the basis of religion, national origin, sex, age, or marital status, height and weight without obtaining prior exemption from the commission, provided that an employer who does not obtain an exemption shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.

ELLIOTT-LARSEN CIVIL RIGHTS ACT (EXCERPT)

Act 453 of 1976

37.2207 Individual seeking employment; prohibited practices. [M.S.A. 3.548(207)]

Sec. 207. An individual seeking employment shall not publish or cause to be published a notice or advertisement that specifies or indicates the individual's religion, race, color, national origin, age, sex, height, weight, or marital status, or expresses a preference, specification, limitation, or discrimination as to the religion, race, color, national origin, age, height, weight, sex, or marital status of a prospective employer.

LAW OF PUBLIC ACCOMMODATIONS

TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 21--CIVIL RIGHTS

SUBCHAPTER I--GENERALLY

Sec. 1981. Equal rights under the law

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

ELLIOTT-LARSEN CIVIL RIGHTS ACT (EXCERPT)

Act 453 of 1976

37.2302 Public accommodations or services; prohibited practices. [M.S.A. 3.548(302)]

Sec. 302. Except where permitted by law, a person shall not: (a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, sex, or marital status. **(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, sex, or marital status, or that an individual's patronage of or presence at a place of public accommodation is**

objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, sex, or marital status.

PERSONS WITH DISABILITIES CIVIL RIGHTS ACT (EXCERPT)

Act 220 of 1976

37.1302 Prohibited conduct.

Sec. 302. Except where permitted by law, a person shall not: (a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation or public service because of a disability that is unrelated to the individual's ability to utilize and benefit from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual of adaptive devices or aids.

(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of a disability that is unrelated to the individual's ability to utilize and benefit from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual of adaptive devices or aids, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of a disability that is unrelated to the individual's ability to utilize and benefit from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual of adaptive devices or aids.