

Sixty-fourth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2279**

Introduced by

Senators Nelson, Grabinger, Warner

Representatives Beadle, Boschee, Maragos

1 A BILL for an Act to amend and reenact sections 14-02.4-01, 14-02.4-02, 14-02.4-03,  
2 14-02.4-04, 14-02.4-05, 14-02.4-06, 14-02.4-08, 14-02.4-09, 14-02.4-14, 14-02.4-15,  
3 14-02.4-16, 14-02.4-17, 14-02.5-02, 14-02.5-03, 14-02.5-04, 14-02.5-05, 14-02.5-07,  
4 14-02.5-08, and 14-02.5-10, subsection 11 of section 26.1-04-03, subsection 1 of section  
5 26.1-30.1-01.1, subsection 1 of section 26.1-39-17, and sections 26.1-40-11, 26.1-47-04, and  
6 27-09.1-02 of the North Dakota Century Code, relating to prohibition of discrimination on the  
7 basis of sexual orientation.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. AMENDMENT.** Section 14-02.4-01 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **14-02.4-01. State policy against discrimination.**

12 It is the policy of this state to prohibit discrimination on the basis of race, color, religion, sex,  
13 national origin, age, the presence of any mental or physical disability, sexual orientation, status  
14 with regard to marriage or public assistance, or participation in lawful activity off the employer's  
15 premises during nonworking hours which is not in direct conflict with the essential  
16 business-related interests of the employer; to prevent and eliminate discrimination in  
17 employment relations, public accommodations, housing, state and local government services,  
18 and credit transactions; and to deter those who aid, abet, or induce discrimination or coerce  
19 others to discriminate.

20 **SECTION 2. AMENDMENT.** Section 14-02.4-02 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **14-02.4-02. Definitions.**

23 In this chapter, unless the context or subject matter otherwise requires:

- 1        1. "Age" insofar as it refers to any prohibited unfair employment or other practice means  
2            at least forty years of age.
- 3        2. "Aggrieved person" includes any person who claims to have been injured by a  
4            discriminatory practice.
- 5        3. "Court" means the district court in the judicial district in which the alleged  
6            discriminatory practice occurred.
- 7        4. "Department" means the division of human rights within the department of labor and  
8            human rights.
- 9        5. "Disability" means a physical or mental impairment that substantially limits one or  
10           more major life activities, a record of this impairment, or being regarded as having this  
11           impairment.
- 12       6. "Discriminatory practice" means an act or attempted act which because of race, color,  
13           religion, sex, national origin, age, physical or mental disability, sexual orientation,  
14           status with regard to marriage or public assistance, or participation in lawful activity off  
15           the employer's premises during nonworking hours which is not in direct conflict with  
16           the essential business-related interests of the employer results in the unequal  
17           treatment or separation or segregation of any persons, or denies, prevents, limits, or  
18           otherwise adversely affects, or if accomplished would deny, prevent, limit, or otherwise  
19           adversely affect, the benefit of enjoyment by any person of employment, labor union  
20           membership, public accommodations, public services, or credit transactions. The term  
21           "discriminate" includes segregate or separate and for purposes of discrimination  
22           based on sex, it includes sexual harassment. Sexual harassment includes unwelcome  
23           sexual advances, requests for sexual favors, sexually motivated physical conduct or  
24           other verbal or physical conduct or communication of a sexual nature when:  
25           a.    Submission to that conduct or communication is made a term or condition, either  
26                explicitly or implicitly, of obtaining employment, public accommodations or public  
27                services, or education;  
28           b.    Submission to or rejection of that conduct or communication by an individual is  
29                used as a factor in decisions affecting that individual's employment, public  
30                accommodations or public services, education, or housing; or

- 1           c. That conduct or communication has the purpose or effect of substantially  
2           interfering with an individual's employment, public accommodations, public  
3           services, or educational environment; and in the case of employment, the  
4           employer is responsible for its acts and those of its supervisory employees if it  
5           knows or should know of the existence of the harassment and fails to take timely  
6           and appropriate action.
- 7       7. "Employee" means a person who performs services for an employer, who employs  
8       one or more individuals, for compensation, whether in the form of wages, salaries,  
9       commission, or otherwise. "Employee" does not include a person elected to public  
10      office in the state or political subdivision by the qualified voters thereof, or a person  
11      chosen by the officer to be on the officer's political staff, or an appointee on the  
12      policymaking level or an immediate adviser with respect to the exercise of the  
13      constitutional or legal powers of the office. Provided, "employee" does include a  
14      person subject to the civil service or merit system or civil service laws of the state  
15      government, governmental agency, or a political subdivision.
- 16      8. "Employer" means a person within the state who employs one or more employees for  
17      more than one quarter of the year and a person wherever situated who employs one  
18      or more employees whose services are to be partially or wholly performed in the state.
- 19      9. "Employment agency" means a person regularly undertaking, with or without  
20      compensation, to procure employees for an employer or to procure for employees  
21      opportunity to work for an employer and includes any agent of the person.
- 22      10. "Gender identity" means actual or perceived gender-related identity, appearance, or  
23      mannerisms, or other gender-related characteristics of an individual, regardless of the  
24      individual's designated gender at birth.
- 25      11. "Labor organization" means a person, employee representation committee, plan in  
26      which employees participate, or other organization which exists solely or in part for the  
27      purpose of dealing with employers concerning grievances, labor disputes, wages,  
28      rates of pay, hours, or other terms or conditions of employment.
- 29      ~~11.~~ 12. "National origin" means the place of birth of an individual or any of the individual's  
30      lineal ancestors.

1   ~~42.13.~~   "Otherwise qualified person" means a person who is capable of performing the  
2           essential functions of the particular employment in question.

3   ~~43.14.~~   "Person" means an individual, partnership, association, corporation, limited liability  
4           company, unincorporated organization, mutual company, joint stock company, trust,  
5           agent, legal representative, trustee, trustee in bankruptcy, receiver, labor organization,  
6           public body, public corporation, and the state and a political subdivision and agency  
7           thereof.

8   ~~44.15.~~   "Public accommodation" means every place, establishment, or facility of whatever  
9           kind, nature, or class that caters or offers services, facilities, or goods to the general  
10          public for a fee, charge, or gratuity. "Public accommodation" does not include a bona  
11          fide private club or other place, establishment, or facility which is by its nature distinctly  
12          private; provided, however, the distinctly private place, establishment, or facility is a  
13          "public accommodation" during the period it caters or offers services, facilities, or  
14          goods to the general public for a fee, charge, or gratuity.

15   ~~45.16.~~   "Public service" means a public facility, department, agency, board, or commission  
16          owned, operated, or managed by or on behalf of this state, a political subdivision  
17          thereof, or a public corporation.

18   ~~46.17.~~   "Readily achievable" means easily accomplishable and able to be carried out without  
19          much difficulty or expense by a person engaged in the provision of public  
20          accommodations.

21   ~~47.18.~~   "Reasonable accommodations" means accommodations by an employer that do not:  
22          a.   Unduly disrupt or interfere with the employer's normal operations;  
23          b.   Threaten the health or safety of the individual with a disability or others;  
24          c.   Contradict a business necessity of the employer; or  
25          d.   Impose undue hardship on the employer, based on the size of the employer's  
26              business, the type of business, the financial resources of the employer, and the  
27              estimated cost and extent of the accommodation.

28   ~~48.19.~~   "Sex" includes pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

29   ~~49.20.~~   "Sexual orientation" means actual or perceived heterosexuality, bisexuality,  
30          homosexuality, or gender identity.

1        21.    "Status with regard to public assistance" means the condition of being a recipient of  
2               federal, state, or local assistance, including medical assistance, or of being a tenant  
3               receiving federal, state, or local subsidies, including rental assistance or rent  
4               supplements.

5        **SECTION 3. AMENDMENT.** Section 14-02.4-03 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7        **14-02.4-03. Employer's discriminatory practices.**

- 8        1.    It is a discriminatory practice for an employer to fail or refuse to hire a person; to  
9               discharge an employee; or to accord adverse or unequal treatment to a person or  
10              employee with respect to application, hiring, training, apprenticeship, tenure,  
11              promotion, upgrading, compensation, layoff, or a term, privilege, or condition of  
12              employment, because of race, color, religion, sex, national origin, age, physical or  
13              mental disability, sexual orientation, status with respect to marriage or public  
14              assistance, or participation in lawful activity off the employer's premises during  
15              nonworking hours which is not in direct conflict with the essential business-related  
16              interests of the employer.
- 17        2.    It is a discriminatory practice for an employer to fail or refuse to make reasonable  
18              accommodations for an otherwise qualified person with a physical or mental disability  
19              or because of that person's religion.
- 20        3.    This chapter does not prohibit compulsory retirement of any employee who has  
21              attained sixty-five years of age, but not seventy years of age, and who, for the  
22              two-year period immediately before retirement, is employed in a bona fide executive or  
23              high policymaking position, if the employee is entitled to an immediate nonforfeiture  
24              annual retirement benefit from a pension, profit-sharing, savings, or deferred  
25              compensation plan, or any combination of those plans, of the employer of the  
26              employee, which equal, in the aggregate, at least forty-four thousand dollars.
- 27        4. a.   This chapter does not prohibit a religious organization, association, or society or  
28              a nonprofit institution or organization operated, supervised, or controlled by or in  
29              conjunction with a religious organization, association, or society from establishing  
30              any qualifications or hiring criteria for employees and volunteers in religious  
31              positions.

- b. This chapter does not prohibit a religious organization, association, or society from limiting employment and volunteers in nonreligious positions to individuals who are of the same religion ~~or who adhere to the religion's tenets unless membership is restricted because of race, color, or national origin.~~
- c. This chapter does not prohibit a religious organization, association, or society from limiting access or admission to its places of worship or its parochial schools to individuals of the same religion ~~or who adhere to the religion's tenets.~~

**SECTION 4. AMENDMENT.** Section 14-02.4-04 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-04. Employment agency's discriminatory practices.**

It is a discriminatory practice for an employment agency to accord adverse or unequal treatment to a person in connection with an application for employment, referral, or request for assistance in procurement of employees because of race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation, or status with respect to marriage or public assistance, or to accept a listing of employment on that basis.

**SECTION 5. AMENDMENT.** Section 14-02.4-05 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-05. Labor organization's discriminatory practices.**

It is a discriminatory practice for a labor organization to deny full and equal membership rights to an applicant for membership or to a member; to expel, suspend, or otherwise discipline a member; or to accord adverse, unlawful, or unequal treatment to a person with respect to the person's hiring, apprenticeship, training, tenure, compensation, upgrading, layoff, or a term or condition of employment because of race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation, or status with respect to marriage or public assistance.

**SECTION 6. AMENDMENT.** Section 14-02.4-06 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-06. Certain employment advertising deemed discriminatory.**

It is a discriminatory practice for an employer, employment agency, or labor organization, or the employees, agents, or members thereof directly or indirectly to advertise or in any other manner indicate or publicize that individuals of a particular race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation, or status with respect to marriage or

1 public assistance, or who participate in lawful activity off the employer's premises during  
2 nonworking hours which activity is not in direct conflict with the essential business-related  
3 interests of the employer, are unwelcome, objectionable, not acceptable, or not solicited.

4 **SECTION 7. AMENDMENT.** Section 14-02.4-08 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-02.4-08. Qualification based on religion, sex, national origin, physical or mental**  
7 **disability, or marital status.**

8 Notwithstanding sections 14-02.4-03 through 14-02.4-06, it is not a discriminatory practice  
9 for an employer to fail or refuse to hire and employ an individual for a position, to discharge an  
10 individual from a position, or for an employment agency to fail or refuse to refer an individual for  
11 employment in a position, or for a labor organization to fail or refuse to refer an individual for  
12 employment, on the basis of religion, sex, national origin, physical or mental disability, sexual  
13 orientation, or marital status in those circumstances ~~wherein which~~ religion, sex, national origin,  
14 physical or mental disability, sexual orientation, or marital status is a bona fide occupational  
15 qualification reasonably necessary to the normal operation of that particular business or  
16 enterprise; nor is it a discriminatory practice for an employer to fail or refuse to hire and employ  
17 an individual for a position, or to discharge an individual from a position on the basis of that  
18 individual's participation in a lawful activity that is off the employer's premises and that takes  
19 place during nonworking hours and which is not in direct conflict with the essential  
20 business-related interests of the employer, if that participation is contrary to a bona fide  
21 occupational qualification that reasonably and rationally relates to employment activities and the  
22 responsibilities of a particular employee or group of employees, rather than to all employees of  
23 that employer.

24 **SECTION 8. AMENDMENT.** Section 14-02.4-09 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **14-02.4-09. Seniority, merit, or other measuring systems and ability tests not**  
27 **discriminatory.**

28 Notwithstanding sections 14-02.4-03 through 14-02.4-06, it is not a discriminatory practice  
29 for an employer to apply different standards of compensation, or different terms, conditions, or  
30 privileges of employment pursuant to a bona fide seniority or merit system, or a system which  
31 measures earnings by quantity or quality of production or to employees who work in different

locations provided that the differences are not the result of an intention to discriminate because of race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours; or for an employer to give and to act upon the results of any professionally developed ability test; provided, that the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation, status with respect to marriage or public assistance, or participation in a lawful activity off the employer's premises during nonworking hours.

**SECTION 9. AMENDMENT.** Section 14-02.4-14 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-14. Public accommodations - Discriminatory practices.**

1. It is a discriminatory practice for a person engaged in the provision of public accommodations to fail to provide to a person access to the use of any benefit from the services and facilities of the public accommodations; or to give adverse, unlawful, or unequal treatment to a person with respect to the availability to the services and facilities, the price or other consideration therefor, the scope and equality thereof, or the terms and conditions under which the same are made available because of the person's race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation, or status with respect to marriage or public assistance.
2. If a place of public accommodation has an architectural or communication barrier, the person engaged in the provision of public accommodations shall remove the barrier, if removal is readily achievable. If a public accommodation can demonstrate that barrier removal is not readily achievable, the public accommodation shall make that person's goods, services, facilities, privileges, advantages, or accommodations available through alternative methods, if those alternative methods are readily achievable.

**SECTION 10. AMENDMENT.** Section 14-02.4-15 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-15. Public services - Discriminatory practices.**

It is a discriminatory practice for a person engaged in the provision of public services to fail to provide to a person access to the use of and benefit thereof, or to give adverse or unequal



1 treatment to a person in connection therewith because of the person's race, color, religion, sex,  
2 national origin, age, physical or mental disability, sexual orientation, or status with respect to  
3 marriage or public assistance.

4 **SECTION 11. AMENDMENT.** Section 14-02.4-16 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-02.4-16. Advertising public accommodations or services - Discriminatory**  
7 **practices - Exceptions.**

8 It is a discriminatory practice for a person to advertise or in any other manner indicate or  
9 publicize that the patronage of persons of a particular race, color, religion, sex, national origin,  
10 age, physical or mental disability, sexual orientation, or status with respect to marriage or public  
11 assistance is unwelcome, objectionable, not acceptable, or not solicited. This section does not  
12 prohibit a notice or advertisement banning minors from places where alcoholic beverages are  
13 being served.

14 **SECTION 12. AMENDMENT.** Section 14-02.4-17 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **14-02.4-17. Credit transactions - Discriminatory practices.**

17 It is a discriminatory practice, except as permitted or required by the Equal Credit  
18 Opportunity Act [15 U.S.C. 1691], for a person, whether acting as an individual or for another, to  
19 deny credit, increase the charges or fees for or collateral required to secure credit, restrict the  
20 amount or use of credit extended, impose different terms or conditions with respect to the credit  
21 extended to a person, or item or service related thereto because of race, color, religion, sex,  
22 national origin, age, physical or mental disability, sexual orientation, or status with respect to  
23 marriage or public assistance. This section does not prohibit a party to a credit transaction from  
24 considering the credit history of a person or from taking reasonable action thereon.

25 **SECTION 13. AMENDMENT.** Section 14-02.5-02 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **14-02.5-02. Sale or rental.**

- 28 1. A person may not refuse to sell or rent, after the making of a bona fide offer, refuse to  
29 negotiate for the sale or rental of, or in any other manner make unavailable or deny a  
30 dwelling to an individual because of race, color, religion, sex, disability, age, familial

1 status, national origin, sexual orientation, or status with respect to marriage or public  
2 assistance.

3 2. A person may not discriminate against an individual in the terms, conditions, or  
4 privileges of sale or rental of a dwelling or in providing services or facilities in  
5 connection with a sale or rental of a dwelling because of race, color, religion, sex,  
6 disability, age, familial status, national origin, sexual orientation, or status with respect  
7 to marriage or public assistance.

8 3. This section does not prohibit discrimination against an individual because the  
9 individual has been convicted under federal law or the law of any state of the illegal  
10 manufacture or distribution of a controlled substance.

11 4. Nothing in this chapter prevents a person from refusing to rent a dwelling to two  
12 unrelated individuals of opposite gender who are not married to each other.

13 **SECTION 14. AMENDMENT.** Section 14-02.5-03 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **14-02.5-03. Publication.**

16 A person may not make, print, or publish or effect the making, printing, or publishing of a  
17 notice, statement, or advertisement that is about the sale or rental of a dwelling and that  
18 indicates any preference, limitation, or discrimination or the intention to make a preference,  
19 limitation, or discrimination because of race, color, religion, sex, disability, age, familial status,  
20 national origin, sexual orientation, or status with respect to marriage or public assistance.

21 **SECTION 15. AMENDMENT.** Section 14-02.5-04 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **14-02.5-04. Inspection.**

24 A person may not represent to an individual because of race, color, religion, sex, disability,  
25 age, familial status, national origin, sexual orientation, or status with respect to marriage or  
26 public assistance that a dwelling is not available for inspection for sale or rental when the  
27 dwelling is available for inspection.

28 **SECTION 16. AMENDMENT.** Section 14-02.5-05 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1       **14-02.5-05. Entry into neighborhood.**

2       A person may not, for profit, induce or attempt to induce another to sell or rent a dwelling by  
3 representations regarding the entry or prospective entry into a neighborhood of an individual of  
4 a particular race, color, religion, sex, disability, age, familial status, national origin, sexual  
5 orientation, or status with respect to marriage or public assistance.

6       **SECTION 17. AMENDMENT.** Section 14-02.5-07 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8       **14-02.5-07. Residential real estate-related transaction.**

9       A person whose business includes engaging in residential real estate-related transactions  
10 may not discriminate against an individual in making a real estate-related transaction available  
11 or in the terms or conditions of a real estate-related transaction because of race, color, religion,  
12 sex, disability, age, familial status, national origin, sexual orientation, or status with respect to  
13 marriage or public assistance. A residential real estate-related transaction is the selling,  
14 brokering, or appraising of residential real property or the making or purchasing of loans or the  
15 provision of other financial assistance to purchase, construct, improve, repair, maintain a  
16 dwelling, or to secure residential real estate. Nothing in this section prohibits a person engaged  
17 in the business of furnishing appraisals of real property to take into consideration factors other  
18 than race, color, religion, sex, disability, age, familial status, national origin, sexual orientation,  
19 or status with respect to marriage.

20       **SECTION 18. AMENDMENT.** Section 14-02.5-08 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22       **14-02.5-08. Brokerage services.**

23       A person may not deny an individual access to, or membership or participation in, a  
24 multiple-listing service, real estate brokers' organization, or other service, organization, or  
25 facility relating to the business of selling or renting dwellings, or discriminate against an  
26 individual in the terms or conditions of access, membership, or participation in the organization,  
27 service, or facility because of race, color, religion, sex, disability, age, familial status, national  
28 origin, sexual orientation, or status with respect to marriage or public assistance.

29       **SECTION 19. AMENDMENT.** Section 14-02.5-10 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **14-02.5-10. Religious organization, private club, and appraisal exemption.**

- 2       1. This chapter does not prohibit a religious organization, association, or society or a  
3       nonprofit institution or organization operated, supervised, or controlled by or in  
4       conjunction with a religious organization, association, or society from limiting the sale,  
5       rental, or occupancy of dwellings that it owns or operates for other than a commercial  
6       purpose to individuals of the same religion or giving preference to persons of the same  
7       religion, unless membership in the religion is restricted because of race, color, or  
8       national origin.
- 9       2. This chapter does not prohibit a private club that is not in fact open to the public and  
10      that, as an incident to its primary purpose, provides lodging that it owns or operates for  
11      other than a commercial purpose from limiting the rental or occupancy of the lodging  
12      to its members or from giving preference to its members, unless membership in the  
13      club is restricted because of race, color, or national origin.
- 14      3. This chapter does not prohibit a person engaged in the business of furnishing  
15      appraisals of real property from considering in those appraisals factors other than  
16      race, color, religion, sex, disability, age, familial status, national origin, sexual  
17      orientation, or status with respect to marriage or public assistance.

18      **SECTION 20. AMENDMENT.** Subsection 11 of section 26.1-04-03 of the North Dakota  
19      Century Code is amended and reenacted as follows:

- 20      11. Refusing to insure risks. Refusing to insure risks solely because of race, color, creed,  
21      sex, sexual orientation, or national origin, or refusing to continue to insure risks solely  
22      because an employer chooses to offer a health maintenance organization option to  
23      employees in its health benefit plan.

24      **SECTION 21. AMENDMENT.** Subsection 1 of section 26.1-30.1-01.1 of the North Dakota  
25      Century Code is amended and reenacted as follows:

- 26      1. The race, religion, nationality, ethnic group, disability, age, sex, sexual orientation, or  
27      marital status of the applicant or named insured, except this subsection does not  
28      prohibit rating differentials based upon age, sex, or marital status.

29      **SECTION 22. AMENDMENT.** Subsection 1 of section 26.1-39-17 of the North Dakota  
30      Century Code is amended and reenacted as follows:

- 1       1. The race, religion, nationality, ethnic group, age, sex, sexual orientation, or marital  
2       status of the applicant or named insured.

3       **SECTION 23. AMENDMENT.** Section 26.1-40-11 of the North Dakota Century Code is  
4       amended and reenacted as follows:

5       **26.1-40-11. Terminations - Declinations - Prohibited reasons.**

6       The declination of an application for, or the termination of, a policy by an insurer or  
7       insurance producer is prohibited if the declination or termination is:

- 8       1. Based upon the race, religion, nationality, ~~or~~ ethnic group, or sexual orientation as  
9       defined in section 14-02.4-02 of the applicant or named insured.
- 10      2. Based solely upon the lawful occupation or profession of the applicant or named  
11      insured, except that this provision does not apply to any insurer or insurance producer  
12      which limits its market to one lawful occupation or profession or to several related  
13      lawful occupations or professions.
- 14      3. Based upon the principal location of the insured motor vehicle unless such decision is  
15      for a business purpose which is not mere pretext for unfair discrimination.
- 16      4. Based solely upon the age, sex, or marital status of an applicant or an insured, except  
17      that this subsection does not prohibit rating differentials based upon age, sex, or  
18      marital status.
- 19      5. Based upon the fact that the applicant or named insured previously obtained  
20      insurance coverage through a residual market insurance mechanism or an insurance  
21      company that insures substandard risks.
- 22      6. Based upon the fact that another insurer previously declined to insure the applicant or  
23      terminated an existing policy in which the applicant was the named insured.

24      **SECTION 24. AMENDMENT.** Section 26.1-47-04 of the North Dakota Century Code is  
25      amended and reenacted as follows:

26      **26.1-47-04. Preferred provider participation requirements.**

27      Health care insurers may place reasonable limits on the number of classes of preferred  
28      providers which satisfy the standards set forth by the health care insurer, provided that there be  
29      no discrimination against any providers on the basis of religion, race, color, national origin, age,  
30      sex, sexual orientation as defined in section 14-02.4-02, or marital status, and further provided

1 that selection of preferred providers is made on the combined basis of least cost and highest  
2 quality of service.

3 **SECTION 25. AMENDMENT.** Section 27-09.1-02 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **27-09.1-02. Discrimination prohibited.**

6 A citizen may not be excluded from jury service in this state on account of race, color,  
7 religion, sex, sexual orientation as defined in section 14-02.4-02, national origin, physical  
8 disability, or economic status.