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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3507

02/18/2020 Authored by Moller; Liebling; Her; Carlson, A., and Mann
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to human rights; clarifying the definition of sexual harassment; amending
1.3 Minnesota Statutes 2018, section 363A.03, subdivision 43.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 363A.03, subdivision 43, is amended to read:

1.6 Subd. 43. Sexual harassment. (a) "Sexual harassment" includes unwelcome sexual
1.7 advances, requests for sexual favors, sexually motivated physical contact or other verbal or
1.8 physical conduct or communication of a sexual nature when:

1.9 (1) submission to that conduct or communication is made a term or condition, either
1.10 explicitly or implicitly, of obtaining employment, public accommodations or public services,
1.11 education, or housing;

1.12 (2) submission to or rejection of that conduct or communication by an individual is used
1.13 as a factor in decisions affecting that individual's employment, public accommodations or
1.14 public services, education, or housing; or

1.15 (3) that conduct or communication has the purpose or effect of substantially interfering
1.16 with an individual's employment, public accommodations or public services, education, or
1.17 housing, or creating an intimidating, hostile, or materially offensive employment, public
1.18 accommodations, public services, educational, or housing environment.

1.19 (b) Paragraph (a), clause (3), does not require the harassing conduct or communication
1.20 to be severe or pervasive. Conduct or communication has the purpose or effect of creating
1.21 an intimidating, hostile, or materially offensive environment when:

2.1 (1) a reasonable person in similar circumstances to the plaintiff would find the
2.2 environment intimidating, hostile, or materially offensive; and

2.3 (2) the plaintiff found the environment intimidating, hostile, or materially offensive.

2.4 The intimidating, hostile, or materially offensive environment must be determined based
2.5 on the totality of the circumstances.

2.6 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to causes
2.7 of action arising on or after that date.