

**STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

Bulletin 2020-34-INS

In the matter of:

Use of Term “Sex” in Statutes and Rules

**Issued and entered
this 11th day of August 2020
by Anita G. Fox
Director**

Numerous statutes and rules administered by the Department of Insurance and Financial Services (DIFS) prohibit discrimination on the basis of sex. See, e.g., MCL 500.2027, MCL 550.940(h), MCL 550.54, and MCL 493.12(4), among others. Consistent with the Michigan Civil Rights Commission’s interpretation of the Elliott-Larsen Civil Rights Act, as set forth in its interpretive statement issued May 21, 2018, DIFS interprets “sex” in all statutes and rules it administers to include sexual orientation and gender identity.

On June 15, 2020, the United States Supreme Court, in *Bostock v Clayton County, Georgia*, 140 S Ct 1731 (2020), concluded that the term “sex” includes sexual orientation and gender identity and, as such, discrimination based on sexual orientation and gender identity violates Title VII of the Civil Rights Act of 1964 (“Title VII”).

The *Bostock* decision provides additional support for DIFS to affirm its interpretation of the term “sex” in the statutes and rules it administers to include sexual orientation and gender identity, and thus prohibit discrimination on those bases. Violations of these statutes and rules should be reported by filing a complaint with DIFS’ Office of Consumer Services (www.michigan.gov/DIFSComplaints).

Any questions regarding this Bulletin should be directed to:

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/s/

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