

115TH CONGRESS
1ST SESSION

H. R. 3520

To prohibit discrimination in public accommodations on the basis of sex, gender identity, and sexual orientation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2017

Mrs. WATSON COLEMAN (for herself, Mr. AGUILAR, Mr. BLUMENAUER, Mr. CARBAJAL, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Mr. CONYERS, Mr. ELLISON, Mr. EVANS, Mr. GARAMENDI, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. HANABUSA, Mr. HIGGINS of New York, Ms. JAYAPAL, Mr. KHANNA, Mr. KILDEE, Ms. LEE, Ms. JACKSON LEE, Mr. LEVIN, Mr. SEAN PATRICK MALONEY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MOORE, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PALLONE, Mr. PAYNE, Mr. PETERS, Mr. POCAN, Mr. POLIS, Miss RICE of New York, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Mr. TONKO, Ms. VELÁZQUEZ, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit discrimination in public accommodations on the basis of sex, gender identity, and sexual orientation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Customer Non-Dis-
3 crimination Act”.

4 **SEC. 2. PUBLIC ACCOMMODATIONS.**

5 (a) PROHIBITION ON DISCRIMINATION OR SEGREGA-
6 TION IN PUBLIC ACCOMMODATIONS.—Section 201 of the
7 Civil Rights Act of 1964 (42 U.S.C. 2000a) is amended—

8 (1) in subsection (a), by inserting “sex, sexual
9 orientation, gender identity,” before “or national ori-
10 gin”; and

11 (2) in subsection (b)—

12 (A) in paragraph (3), by striking “sta-
13adium” and all that follows and inserting “sta-
14adium or other place of or establishment that
15provides exhibition, entertainment, recreation,
16exercise, amusement, gathering, or display;”;

17 (B) by redesignating paragraph (4) as
18paragraph (6); and

19 (C) by inserting after paragraph (3) the
20following:

21 “(4) any establishment that provides a good,
22service, or program, including a store, shopping cen-
23ter, online retailer or service provider, salon, bank,
24gas station, food bank, service or care center, shel-
25ter, travel agency, or funeral parlor, or establish-

1 ment that provides health care, accounting, or legal
2 services;

3 “(5) any train service, bus service, car service,
4 taxi service, airline service, station, depot, or other
5 place of or establishment that provides transpor-
6 tation service; and”.

7 (b) PROHIBITION ON DISCRIMINATION OR SEGREGA-
8 TION UNDER LAW.—Section 202 of such Act (42 U.S.C.
9 2000a–1) is amended by inserting “sex, sexual orienta-
10 tion, gender identity,” before “or national origin”.

11 (c) DEFINITIONS AND RULES OF CONSTRUCTION.—
12 Title II of such Act (42 U.S.C. 2000a et seq.) is amended
13 by adding at the end the following:

14 **“SEC. 208. DEFINITIONS AND RULES.**

15 “(a) DEFINITIONS.—

16 “(1) RACE; COLOR; RELIGION; SEX; SEXUAL
17 ORIENTATION; GENDER IDENTITY; NATIONAL ORI-
18 GIN.—The term ‘race’, ‘color’, ‘religion’, ‘sex’, ‘sex-
19 ual orientation’, ‘gender identity’, or ‘national ori-
20 gin’, used with respect to an individual, includes—

21 “(A) the race, color, religion, sex, sexual
22 orientation, gender identity, or national origin,
23 respectively, of another person with whom the
24 individual is associated or has been associated;
25 and

1 “(B) a perception or belief, even if inaccurate,
2 concerning the race, color, religion, sex,
3 sexual orientation, gender identity, or national
4 origin, respectively, of the individual.

5 “(2) GENDER IDENTITY.—The term ‘gender
6 identity’ means the gender-related identity, appearance,
7 mannerisms, or other gender-related characteristics of an individual,
8 regardless of the individual’s designated sex at birth.

10 “(3) INCLUDING.—The term ‘including’ means
11 including, but not limited to, consistent with the
12 term’s standard meaning in Federal law.

13 “(4) SEX.—The term ‘sex’ includes—

14 “(A) a sex stereotype;

15 “(B) pregnancy, childbirth, or a related
16 medical condition; and

17 “(C) sexual orientation or gender identity.

18 “(5) SEXUAL ORIENTATION.—The term ‘sexual
19 orientation’ means homosexuality, heterosexuality, or
20 bisexuality.

21 “(b) RULES.—In this title—

22 “(1) (with respect to sex) pregnancy, childbirth,
23 or a related medical condition shall not receive less
24 favorable treatment than other physical conditions;
25 and

1 “(2) (with respect to gender identity) an indi-
2 vidual shall not be denied access to a shared facility,
3 including a restroom, a locker room, and a dressing
4 room, that is in accordance with the individual’s
5 gender identity.

6 **“SEC. 209. RULES OF CONSTRUCTION.**

7 “(a) CLAIMS AND REMEDIES NOT PRECLUDED.—
8 Nothing in this title shall be construed to limit the claims
9 or remedies available to any individual for an unlawful
10 practice on the basis of race, color, religion, sex, sexual
11 orientation, gender identity, or national origin including
12 claims brought pursuant to section 1979 or 1980 of the
13 Revised Statutes (42 U.S.C. 1983, 1985) or any other
14 law, including the Federal law amended by the Customer
15 Non-Discrimination Act, regulation, or policy.

16 “(b) NO NEGATIVE INFERENCE.—Nothing in this
17 title shall be construed to support any inference that any
18 Federal law prohibiting a practice on the basis of sex does
19 not prohibit discrimination on the basis of pregnancy,
20 childbirth, or a related medical condition, sexual orienta-
21 tion, gender identity, or a sex stereotype.

22 “(c) SCOPE OF AN ESTABLISHMENT.—A reference in
23 this title to an establishment—

1 “(1) shall be construed to include an individual
2 whose operations affect commerce and who is a pro-
3 vider of a good, service, or program; and

4 “(2) shall not be construed to be limited to a
5 physical facility or place.

6 **“SEC. 210. CLAIMS.**

7 “‘The Religious Freedom Restoration Act of 1993 (42
8 U.S.C. 2000bb et seq.) shall not provide a claim con-
9 cerning, or a defense to a claim under this title or provide
10 a basis for challenging the application or enforcement of
11 this title.’”.

○