

114TH CONGRESS
2D SESSION

H. R. 5586

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

JUNE 24, 2016

Mrs. WATSON COLEMAN (for herself, Mr. CICILLINE, Mr. GRAYSON, Mr. HASTINGS, Mr. HONDA, Ms. LEE, Mr. LEVIN, Mr. LOWENTHAL, Mr. SEAN PATRICK MALONEY of New York, Ms. MCCOLLUM, Ms. MENG, Ms. NORTON, Mr. PETERS, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SPEIER, Mr. SWALWELL of California, and Ms. VELÁZQUEZ) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Customer Non-Dis-
5 crimination Act”.

1 **SEC. 2. PUBLIC ACCOMMODATIONS.**

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

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

8 (2) in subsection (b)—

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

14 (B) by redesignating paragraph (4) as
15 paragraph (6); and

16 (C) by inserting after paragraph (3) the
17 following:

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

25 “(5) any train service, bus service, car service,
26 taxi service, airline service, station, depot, or other

1 place of or establishment that provides transpor-
2 tation service; and”.

3 (b) PROHIBITION ON DISCRIMINATION OR SEGREGA-
4 TION UNDER LAW.—Section 202 of such Act (42 U.S.C.
5 2000a–1) is amended by inserting “sex, sexual orienta-
6 tion, gender identity,” before “or national origin”.

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

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

11 “(a) DEFINITIONS.—

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

17 “(A) the race, color, religion, sex, sexual
18 orientation, gender identity, or national origin,
19 respectively, of another person with whom the
20 individual is associated or has been associated;
21 and

22 “(B) a perception or belief, even if inac-
23 curate, concerning the race, color, religion, sex,
24 sexual orientation, gender identity, or national
25 origin, respectively, of the individual.

1 “(2) GENDER IDENTITY.—The term ‘gender
2 identity’ means the gender-related identity, appear-
3 ance, mannerisms, or other gender-related character-
4 istics of an individual, regardless of the individual’s
5 designated sex at birth.

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

9 “(4) SEX.—The term ‘sex’ includes—

10 “(A) a sex stereotype;

11 “(B) pregnancy, childbirth, or a related
12 medical condition; and

13 “(C) sexual orientation or gender identity.

14 “(5) SEXUAL ORIENTATION.—The term ‘sexual
15 orientation’ means homosexuality, heterosexuality, or
16 bisexuality.

17 “(b) RULES.—In this title—

18 “(1) (with respect to sex) pregnancy, childbirth,
19 or a related medical condition shall not receive less
20 favorable treatment than other physical conditions;
21 and

22 “(2) (with respect to gender identity) an indi-
23 vidual shall not be denied access to a shared facility,
24 including a restroom, a locker room, and a dressing

1 room, that is in accordance with the individual's
2 gender identity.

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

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

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

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

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

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

1 **“SEC. 210. CLAIMS.**

2 “The Religious Freedom Restoration Act of 1993 (42
3 U.S.C. 2000bb et seq.) shall not provide a claim con-
4 cerning, or a defense to a claim under this title or provide
5 a basis for challenging the application or enforcement of
6 this title.”.

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