

117TH CONGRESS
1ST SESSION

H. R. 5744

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

OCTOBER 26, 2021

Mrs. WATSON COLEMAN (for herself, Ms. ADAMS, Mr. AUCHINCLOSS, Ms. BASS, Mrs. BEATTY, Ms. BROWNLEY, Mr. CARSON, Mr. CARTWRIGHT, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Ms. DEAN, Mrs. DEMINGS, Mr. DEUTCH, Mr. ESPAILLAT, Mr. EVANS, Mr. GRIJALVA, Mr. KHANNA, Mr. KILMER, Mr. LIEU, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. NADLER, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PETERS, Mr. POCAN, Ms. SCHAKOWSKY, Mr. SIRES, Mr. SWALWELL, Mr. TAKANO, Ms. TLAIB, and Mr. TONKO) 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 (includ-
6 ing sexual orientation and gender identity),” before
7 “or national origin”; 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 (including sexual
6 orientation and gender identity),” before “or national ori-
7 gin”.

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

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

12 “(a) DEFINITIONS.—

13 “(1) RACE; COLOR; RELIGION; SEX; SEXUAL
14 ORIENTATION; GENDER IDENTITY; NATIONAL ORI-
15 GIN.—The term ‘race’, ‘color’, ‘religion’, ‘sex (includ-
16 ing sexual orientation and gender identity)’, or ‘na-
17 tional origin’, used with respect to an individual, in-
18 cludes—

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

24 “(B) a perception or belief, even if inac-
25 curate, concerning the race, color, religion, sex

1 (including sexual orientation and gender iden-
2 tity), or national origin, respectively, of the in-
3 dividual.

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

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

12 “(4) SEX.—The term ‘sex’ includes—

13 “(A) a sex stereotype;

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

16 “(C) sexual orientation or gender identity;
17 and

18 “(D) sex characteristics, including intersex
19 traits.

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

23 “(b) RULES.—In this title—

24 “(1) (with respect to sex) pregnancy, childbirth,
25 or a related medical condition shall not receive less

1 favorable treatment than other physical conditions;
2 and

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

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

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

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

24 “(c) SCOPE OF AN ESTABLISHMENT.—A reference in
25 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.’”.

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