
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 613 Session of
2017

INTRODUCED BY BROWNE, FARNESE, WAGNER, McILHINNEY, COSTA,
HUGHES, BREWSTER, WILLIAMS, LEACH, BOSCOLA, SABATINA,
YUDICHAK, HAYWOOD, BLAKE, STREET AND FONTANA, APRIL 25, 2017

REFERRED TO STATE GOVERNMENT, APRIL 25, 2017

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),
2 entitled, as amended, "An act prohibiting certain practices
3 of discrimination because of race, color, religious creed,
4 ancestry, age or national origin by employers, employment
5 agencies, labor organizations and others as herein defined;
6 creating the Pennsylvania Human Relations Commission in the
7 Governor's Office; defining its functions, powers and duties;
8 providing for procedure and enforcement; providing for
9 formulation of an educational program to prevent prejudice;
10 providing for judicial review and enforcement and imposing
11 penalties," further providing for the title of the act, for
12 findings and declaration of policy, for right to freedom from
13 discrimination in employment, housing and public
14 accommodation, for definitions, for unlawful discriminatory
15 practices and for prohibition of certain real estate
16 practices; providing for protection of religious exercise;
17 and further providing for powers and duties of commission,
18 for educational program and for construction and
19 exclusiveness of remedy.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The title and sections 2 and 3 of the act of
23 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
24 Human Relations Act, are amended to read:

25 AN ACT

26 Prohibiting certain practices of discrimination because of race,

1 color, religious creed, ancestry, sex, sexual orientation,
2 gender identity or expression, age or national origin by
3 employers, employment agencies, labor organizations and
4 others as herein defined; creating the Pennsylvania Human
5 Relations Commission in the Governor's Office; defining its
6 functions, powers and duties; providing for procedure and
7 enforcement; providing for formulation of an educational
8 program to prevent prejudice; providing for judicial review
9 and enforcement and imposing penalties.

10 Section 2. Findings and Declaration of Policy.--

11 (a) The practice or policy of discrimination against
12 individuals or groups by reason of their race, color, familial
13 status, religious creed, ancestry, age, sex, sexual orientation,
14 gender identity or expression, national origin, handicap or
15 disability, use of guide or support animals because of the
16 blindness, deafness or physical handicap of the user or because
17 the user is a handler or trainer of support or guide animals is
18 a matter of concern of the Commonwealth. Such discrimination
19 foments domestic strife and unrest, threatens the rights and
20 privileges of the inhabitants of the Commonwealth, and
21 undermines the foundations of a free democratic state. The
22 denial of equal employment, housing and public accommodation
23 opportunities because of such discrimination, and the consequent
24 failure to utilize the productive capacities of individuals to
25 their fullest extent, deprives large segments of the population
26 of the Commonwealth of earnings necessary to maintain decent
27 standards of living, necessitates their resort to public relief
28 and intensifies group conflicts, thereby resulting in grave
29 injury to the public health and welfare, compels many
30 individuals to live in dwellings which are substandard,

1 unhealthy and overcrowded, resulting in racial segregation in
2 public schools and other community facilities, juvenile
3 delinquency and other evils, thereby threatening the peace,
4 health, safety and general welfare of the Commonwealth and its
5 inhabitants. Public policies, reflecting an open and welcoming
6 environment and ensuring equal opportunity, foster economic
7 growth and prosperity which benefit the inhabitants of this
8 Commonwealth. Conversely, the absence of nondiscrimination
9 protections hinders efforts to recruit and retain the diversity
10 of talented individuals and successful enterprises required for
11 a thriving economy and strong public sector on which the
12 inhabitants of this Commonwealth depend.

13 (b) It is hereby declared to be the public policy of this
14 Commonwealth to foster the employment of all individuals in
15 accordance with their fullest capacities regardless of their
16 race, color, religious creed, ancestry, age, sex, sexual
17 orientation, gender identity or expression, national origin,
18 handicap or disability, use of guide or support animals because
19 of the blindness, deafness or physical handicap of the user or
20 because the user is a handler or trainer of support or guide
21 animals, and to safeguard their right to obtain and hold
22 employment without such discrimination, to assure equal
23 opportunities to all individuals and to safeguard their rights
24 to public accommodation and to secure housing accommodation and
25 commercial property regardless of race, color, familial status,
26 religious creed, ancestry, age, sex, sexual orientation, gender
27 identity or expression, national origin, handicap or disability,
28 use of guide or support animals because of blindness or deafness
29 of the user or because the user is a handler or trainer of guide
30 or support animals.

1 (c) This act shall be deemed an exercise of the police power
2 of the Commonwealth for the protection of the public welfare,
3 prosperity, health and peace of the people of the Commonwealth
4 of Pennsylvania.

5 Section 3. Right to Freedom from Discrimination in
6 Employment, Housing and Public Accommodation.--The opportunity
7 for an individual to obtain employment for which he is
8 qualified, and to obtain all the accommodations, advantages,
9 facilities and privileges of any public accommodation and of any
10 housing accommodation and commercial property without
11 discrimination because of race, color, familial status,
12 religious creed, ancestry, handicap or disability, age, sex,
13 sexual orientation, gender identity or expression, national
14 origin, the use of a guide or support animal because of the
15 blindness, deafness or physical handicap of the user or because
16 the user is a handler or trainer of support or guide animals is
17 hereby recognized as and declared to be a civil right which
18 shall be enforceable as set forth in this act.

19 Section 2. Sections 4(b) and 5(a), (b), (c), (f), (g), (h)
20 and (i) of the act are amended and the sections are amended by
21 adding subsections to read:

22 Section 4. Definitions.--As used in this act unless a
23 different meaning clearly appears from the context:

24 * * *

25 (b) The term "employer" includes the Commonwealth or any
26 political subdivision or board, department, commission or school
27 district thereof and any person employing four or more persons
28 within the Commonwealth, but except as hereinafter provided,
29 does not include religious, fraternal, charitable or sectarian
30 corporations or associations, except such corporations or

1 associations supported, in whole or in part, by governmental
2 appropriations. The term "employer" with respect to
3 discriminatory practices based on race, color, age, sex, sexual
4 orientation, gender identity or expression, national origin or
5 non-job related handicap or disability, includes religious,
6 fraternal, charitable and sectarian corporations and
7 associations employing four or more persons within the
8 Commonwealth.

9 * * *

10 (bb) The term "sexual orientation" means heterosexuality,
11 homosexuality or bisexuality.

12 (cc) The term "gender identity or expression" means the
13 gender-related identity, appearance, mannerisms, expression or
14 other gender-related characteristics of an individual regardless
15 of the individual's designated sex at birth.

16 Section 5. Unlawful Discriminatory Practices.--It shall be
17 an unlawful discriminatory practice, unless based upon a bona
18 fide occupational qualification, or in the case of a fraternal
19 corporation or association, unless based upon membership in such
20 association or corporation, or except where based upon
21 applicable security regulations established by the United States
22 or the Commonwealth of Pennsylvania:

23 (a) For any employer because of the race, color, religious
24 creed, ancestry, age, sex, sexual orientation, gender identity
25 or expression, national origin or non-job related handicap or
26 disability or the use of a guide or support animal because of
27 the blindness, deafness or physical handicap of any individual
28 or independent contractor, to refuse to hire or employ or
29 contract with, or to bar or to discharge from employment such
30 individual or independent contractor, or to otherwise

1 discriminate against such individual or independent contractor
2 with respect to compensation, hire, tenure, terms, conditions or
3 privileges of employment or contract, if the individual or
4 independent contractor is the best able and most competent to
5 perform the services required. The [provision] provisions of
6 this paragraph shall not apply, to (1) operation of the terms or
7 conditions of any bona fide retirement or pension plan which
8 have the effect of a minimum service requirement, (2) operation
9 of the terms or conditions of any bona fide group or employe
10 insurance plan, (3) age limitations placed upon entry into bona
11 fide apprenticeship programs of two years or more approved by
12 the State Apprenticeship and Training Council of the Department
13 of Labor and Industry, established by the act of July 14, 1961
14 (P.L.604, No.304), known as "The Apprenticeship and Training
15 Act." Notwithstanding any provision of this clause, it shall not
16 be an unlawful employment practice for a religious corporation
17 or association to hire or employ on the basis of sex in those
18 certain instances where sex is a bona fide occupational
19 qualification because of the religious beliefs, practices, or
20 observances of the corporation, or association. Except as
21 otherwise required by law, it is not an unlawful discriminatory
22 practice based on race, color, religious creed, ancestry, age,
23 sexual orientation, gender identity or expression or national
24 origin under this act to fail or refuse to construct new or
25 additional facilities.

26 (b) For any employer, employment agency or labor
27 organization, prior to the employment, contracting with an
28 independent contractor or admission to membership, to:

29 (1) Elicit any information or make or keep a record of or
30 use any form of application or application blank containing

1 questions or entries concerning the race, color, religious
2 creed, ancestry, age, sex, sexual orientation, gender identity
3 or expression, national origin, past handicap or disability or
4 the use of a guide or support animal because of the blindness,
5 deafness or physical handicap of any applicant for employment or
6 membership. Prior to an offer of employment, an employer may not
7 inquire as to whether an individual has a handicap or disability
8 or as to the severity of such handicap or disability. An
9 employer may inquire as to the individual's ability to perform
10 the essential functions of the employment.

11 (2) Print or publish or cause to be printed or published any
12 notice or advertisement relating to employment or membership
13 indicating any preference, limitation, specification or
14 discrimination based upon race, color, religious creed,
15 ancestry, age, sex, sexual orientation, gender identity or
16 expression, national origin, non-job related handicap or
17 disability or the use of a guide or support animal because of
18 the blindness, deafness or physical handicap of the user.

19 (3) Deny or limit, through a quota system, employment or
20 membership because of race, color, religious creed, ancestry,
21 age, sex, sexual orientation, gender identity or expression,
22 national origin, non-job related handicap or disability, the use
23 of a guide or support animal because of the blindness, deafness
24 or physical handicap of the user or place of birth.

25 (4) Substantially confine or limit recruitment or hiring of
26 individuals, with intent to circumvent the spirit and purpose of
27 this act, to any employment agency, employment service, labor
28 organization, training school or training center or any other
29 employe-referring source which services individuals who are
30 predominantly of the same race, color, religious creed,

1 ancestry, age, sex, sexual orientation, gender identity or
2 expression, national origin or non-job related handicap or
3 disability.

4 (5) Deny employment because of a prior handicap or
5 disability.

6 Nothing in clause (b) of this section shall bar any
7 institution or organization for handicapped or disabled persons
8 from limiting or giving preference in employment or membership
9 to handicapped or disabled persons.

10 (c) For any labor organization because of the race, color,
11 religious creed, ancestry, age, sex, sexual orientation, gender
12 identity or expression, national origin, non-job related
13 handicap or disability or the use of a guide or support animal
14 because of the blindness, deafness or physical handicap of any
15 individual to deny full and equal membership rights to any
16 individual or otherwise to discriminate against such individuals
17 with respect to hire, tenure, terms, conditions or privileges of
18 employment or any other matter, directly or indirectly, related
19 to employment.

20 * * *

21 (f) For any employment agency to fail or refuse to classify
22 properly, refer for employment or otherwise to discriminate
23 against any individual because of his race, color, religious
24 creed, ancestry, age, sex, sexual orientation, gender identity
25 or expression, national origin, non-job related handicap or
26 disability or the use of a guide or support animal because of
27 the blindness, deafness or physical handicap of the user.

28 (g) For any individual seeking employment to publish or
29 cause to be published any advertisement which in any manner
30 expresses a limitation or preference as to the race, color,

1 religious creed, ancestry, age, sex, sexual orientation, gender
2 identity or expression, national origin, non-job related
3 handicap or disability or the use of a guide or support animal
4 because of the blindness, deafness or physical handicap of any
5 prospective employer.

6 (h) For any person to:

7 (1) Refuse to sell, lease, finance or otherwise to deny or
8 withhold any housing accommodation or commercial property from
9 any person because of the race, color, familial status, age,
10 religious creed, ancestry, sex, sexual orientation, gender
11 identity or expression, national origin or handicap or
12 disability of any person, prospective owner, occupant or user of
13 such housing accommodation or commercial property, or to refuse
14 to lease any housing accommodation or commercial property to any
15 person due to use of a guide animal because of the blindness or
16 deafness of the user, use of a support animal because of a
17 physical handicap of the user or because the user is a handler
18 or trainer of support or guide animals or because of the
19 handicap or disability of an individual with whom the person is
20 known to have a relationship or association.

21 (1.1) Evict or attempt to evict an occupant of any housing
22 accommodation before the end of the term of a lease because of
23 pregnancy or the birth of a child.

24 (2) Refuse to lend money, whether or not secured by mortgage
25 or otherwise for the acquisition, construction, rehabilitation,
26 repair or maintenance of any housing accommodation or commercial
27 property or otherwise withhold financing of any housing
28 accommodation or commercial property from any person because of
29 the race, color, familial status, age, religious creed,
30 ancestry, sex, sexual orientation, gender identity or

1 expression, national origin, handicap or disability of any
2 person, the use of a guide or support animal because of the
3 blindness, deafness or physical handicap of the user or because
4 the user is a handler or trainer of support or guide animals or
5 because of the handicap or disability of an individual with whom
6 the person is known to have a relationship or association.

7 (3) Discriminate against any person in the terms or
8 conditions of selling or leasing any housing accommodation or
9 commercial property or in furnishing facilities, services or
10 privileges in connection with the ownership, occupancy or use of
11 any housing accommodation or commercial property because of the
12 race, color, familial status, age, religious creed, ancestry,
13 sex, sexual orientation, gender identity or expression, national
14 origin, handicap or disability of any person, the use of a guide
15 or support animal because of the blindness, deafness or physical
16 handicap of the user or because the user is a handler or trainer
17 of support or guide animals or because of the handicap or
18 disability of an individual with whom the person is known to
19 have a relationship or association.

20 (3.1) Refuse to permit, at the expense of a person with a
21 handicap, reasonable modifications of existing premises occupied
22 or to be occupied by such person if such modifications may be
23 necessary to afford such person full enjoyment of the premises,
24 except that, in the case of a rental, the landlord may, where it
25 is reasonable to do so, grant permission for a modification if
26 the renter agrees to restore the interior of the premises to the
27 condition that existed before the modification, with reasonable
28 wear and tear excepted.

29 (3.2) Refuse to make reasonable accommodations in rules,
30 policies, practices or services when such accommodations may be

1 necessary to afford such person equal opportunity to use and
2 enjoy a housing accommodation.

3 (4) Discriminate against any person in the terms or
4 conditions of any loan of money, whether or not secured by
5 mortgage or otherwise for the acquisition, construction,
6 rehabilitation, repair or maintenance of housing accommodation
7 or commercial property because of the race, color, familial
8 status, age, religious creed, ancestry, sex, sexual orientation,
9 gender identity or expression, national origin or handicap or
10 disability of any person, the use of a guide or support animal
11 because of the blindness, deafness or physical handicap of the
12 user or because the user is a handler or trainer of guide or
13 support animals or because of the handicap or disability of an
14 individual with whom the person is known to have a relationship
15 or association.

16 (5) Print, publish or circulate any statement or
17 advertisement: (i) relating to the sale, lease or acquisition of
18 any housing accommodation or commercial property or the loan of
19 money, whether or not secured by mortgage, or otherwise for the
20 acquisition, construction, rehabilitation, repair or maintenance
21 of any housing accommodation or commercial property which
22 indicates any preference, limitation, specification, or
23 discrimination based upon race, color, familial status, age,
24 religious creed, ancestry, sex, sexual orientation, gender
25 identity or expression, national origin, handicap or disability
26 or because of the handicap or disability of an individual with
27 whom the person is known to have a relationship or association,
28 or (ii) relating to the sale, lease or acquisition of any
29 housing accommodation or commercial property which indicates any
30 preference, limitation, specification or discrimination based

1 upon use of a guide or support animal because of the blindness,
2 deafness or physical handicap of the user or because the user is
3 a handler or trainer of support or guide animals.

4 (6) Make any inquiry, elicit any information, make or keep
5 any record or use any form of application, containing questions
6 or entries concerning race, color, familial status, age,
7 religious creed, ancestry, sex, sexual orientation, gender
8 identity or expression, national origin, handicap or disability
9 or because of the handicap or disability of an individual with
10 whom the person is known to have a relationship or association
11 in connection with the sale or lease of any housing
12 accommodation or commercial property or loan of any money,
13 whether or not secured by mortgage or otherwise for the
14 acquisition, construction, rehabilitation, repair or maintenance
15 of any housing accommodation or commercial property, or to make
16 any inquiry, elicit any information, make or keep any record or
17 use any form of application, containing questions or entries
18 concerning the use of a guide or support animal because of the
19 blindness, deafness or physical handicap of the user or because
20 the user is a handler or trainer of support or guide animals, in
21 connection with the lease of any housing accommodation or
22 commercial property.

23 (7) Construct, operate, offer for sale, lease or rent or
24 otherwise make available housing or commercial property which is
25 not accessible.

26 (8) Discriminate in real estate-related transactions, as
27 described by and subject to the following:

28 (i) It shall be unlawful for any person or other entity
29 whose business includes engaging in real estate-related
30 transactions to discriminate against any person in making

1 available such a transaction or in the terms or conditions of
2 such a transaction because of race, color, religious creed,
3 ancestry, national origin, sex, sexual orientation, gender
4 identity or expression, age, handicap or disability, use of a
5 guide or support animal because of a physical handicap or
6 because the user is a handler or trainer of guide or support
7 animals or familial status.

8 (ii) Nothing in this act prohibits a person engaged in the
9 business of furnishing appraisals of real property to take into
10 consideration factors other than race, color, religious creed,
11 ancestry, national origin, sex, sexual orientation, gender
12 identity or expression, age, handicap or disability, use of a
13 guide or support animal because of a physical handicap or
14 because the user is a handler or trainer of guide or support
15 animals or familial status.

16 (9) Nothing in this clause, regarding age or familial
17 status, shall apply with respect to housing for older persons. A
18 person shall not be held personally liable for monetary damages
19 for a violation of this act if the person reasonably relied, in
20 good faith, on the application of the exemption of this
21 subclause. A person may only prove good faith reliance on the
22 application of the exemption of this subclause by proving that
23 at the time of the act complained of all of the following
24 applied:

25 (i) The person had no actual knowledge that the housing was
26 not eligible for exemption under this subclause.

27 (ii) The owner or manager of the housing had stated
28 formally, in writing, that the housing complied with the
29 requirements for exemption under this subclause.

30 (10) Nothing in this clause shall bar any religious or

1 denominational institution or organization or any charitable or
2 educational organization which is operated, supervised or
3 controlled by or in connection with a religious organization or
4 any bona fide private or fraternal organization from giving
5 preference to persons of the same religion or denomination or to
6 members of such private or fraternal organization or from making
7 such selection as is calculated by such organization to promote
8 the religious principles or the aims, purposes or fraternal
9 principles for which it is established or maintained. Nor shall
10 it apply to the rental of rooms in a landlord-occupied rooming
11 house with a common entrance, nor with respect to discrimination
12 based on sex, the advertising, rental or leasing of housing
13 accommodations in a single-sex dormitory or rooms in one's
14 personal residence in which common living areas are shared.

15 (11) Nothing in this act limits the applicability of the
16 Fair Housing Act and reasonable State or local restrictions on
17 the maximum number of occupants permitted to occupy a dwelling
18 or a reasonable restriction relating to health or safety
19 standards or business necessity. Owners and managers of
20 dwellings may develop and implement reasonable occupancy and
21 safety standards based on factors such as the number and size of
22 sleeping areas or bedrooms and the overall size of a dwelling
23 unit so long as the standards do not violate the Fair Housing
24 Act or State or local restrictions.

25 (i) For any person being the owner, lessee, proprietor,
26 manager, superintendent, agent or employe of any public
27 accommodation, resort or amusement to:

28 (1) Refuse, withhold from, or deny to any person because of
29 [his] race, color, sex, sexual orientation, gender identity or
30 expression, religious creed, ancestry, national origin or

1 handicap or disability, or to any person due to use of a guide
2 or support animal because of the blindness, deafness or physical
3 handicap of the user or because the user is a handler or trainer
4 of support or guide animals, either directly or indirectly, any
5 of the accommodations, advantages, facilities or privileges of
6 such public accommodation, resort or amusement.

7 (2) Publish, circulate, issue, display, post or mail, either
8 directly or indirectly, any written or printed communication,
9 notice or advertisement to the effect that any of the
10 accommodations, advantages, facilities and privileges of any
11 such place shall be refused, withheld from or denied to any
12 person on account of race, color, religious creed, sex, sexual
13 orientation, gender identity or expression, ancestry, national
14 origin or handicap or disability, or to any person due to use of
15 a guide or support animal because of the blindness, deafness or
16 physical handicap of the user, or because the user is a handler
17 or trainer of support or guide animals, or that the patronage or
18 custom thereat of any person[, belonging to or purporting to be
19 of any particular] because of race, color, religious creed, sex,
20 sexual orientation, gender identity or expression, ancestry,
21 national origin or handicap or disability, or to any person due
22 to use of a guide or support animal because of the blindness,
23 deafness or physical handicap of the user or because the user is
24 a handler or trainer of support or guide animals, is unwelcome,
25 objectionable or not acceptable, desired or solicited.

26 (3) Exclude or otherwise deny equal goods, services,
27 facilities, privileges, advantages, accommodations or other
28 opportunities to a person because of the handicap or disability
29 of an individual with whom the person is known to have a
30 relationship or association.

1 (4) Construct, operate or otherwise make available such
2 place of public accommodation, resort or amusement which is not
3 accessible.

4 * * *

5 (m) It shall neither be a bar to a claim nor a defense to a
6 claim under this act that an action was taken based on a
7 mistaken belief that:

8 (1) a person or group has a personal characteristic or
9 characteristics upon which this act prohibits discrimination; or

10 (2) a person or group with whom a person or group associates
11 has a personal characteristic or characteristics upon which this
12 act prohibits discrimination.

13 * * *

14 Section 3. Section 5.3 of the act is amended to read:

15 Section 5.3. Prohibition of Certain Real Estate Practices.--
16 It shall be an unlawful discriminatory practice for any person
17 to:

18 (a) Induce, solicit or attempt to induce or solicit for
19 commercial profit any listing, sale or transaction involving any
20 housing accommodation or commercial property by representing
21 that such housing accommodation or commercial property is within
22 any neighborhood, community or area adjacent to any other area
23 in which there reside, or do not reside, persons of a particular
24 race, color, familial status, age, religious creed, ancestry,
25 sex, sexual orientation, gender identity or expression, national
26 origin, handicap or disability, or who are guide or support
27 animal dependent.

28 (b) Discourage, or attempt to discourage, for commercial
29 profit, the purchase or lease of any housing accommodation or
30 commercial property by representing that such housing

1 accommodation or commercial property is within any neighborhood,
2 community or area adjacent to any other area in which there
3 reside, or may in the future reside in increased or decreased
4 numbers, persons of a particular race, color, familial status,
5 age, religious creed, ancestry, sex, sexual orientation, gender
6 identity or expression, national origin, handicap or disability,
7 or who are guide or support animal dependent.

8 (c) Misrepresent, create or distort a circumstance,
9 condition or incident for the purpose of fostering the
10 impression or belief, on the part of any owner, occupant or
11 prospective owner or occupant of any housing accommodation or
12 commercial property, that such housing accommodation or
13 commercial property is within any neighborhood, community or
14 area adjacent to any other area which would be adversely
15 impacted by the residence, or future increased or decreased
16 residence, of persons of a particular race, color, familial
17 status, age, religious creed, ancestry, sex, sexual orientation,
18 gender identity or expression, national origin, handicap or
19 disability, or who are guide or support animal dependent within
20 such neighborhood, community or area.

21 (d) In any way misrepresent or otherwise misadvertise within
22 a neighborhood or community, whether or not in writing, that any
23 housing accommodation or commercial property within such
24 neighborhood or community is available for inspection, sale,
25 lease, sublease or other transfer, in any context where such
26 misrepresentation or misadvertising would have the effect of
27 fostering an impression or belief that there has been or will be
28 an increase in real estate activity within such neighborhood or
29 community due to the residence, or anticipated increased or
30 decreased residence, of persons of a particular race, color,

1 familial status, age, religious creed, ancestry, sex, sexual
2 orientation, gender identity or expression, national origin,
3 handicap or disability, or the use of a guide or support animal
4 because of the blindness, deafness or physical handicap of the
5 user.

6 Section 4. The act is amended by adding a section to read:

7 Section 5.4. Protection of Religious Exercise.--(a) Nothing
8 contained in this act, or in any ordinance, charter, law or
9 regulation that is or has been adopted by any political
10 subdivision in this Commonwealth in accordance with this act,
11 shall be interpreted to:

12 (1) Prohibit a religious entity from determining the tenets
13 of its faith, or from expressing those tenets, if the
14 prohibition would violate the freedom of speech or free exercise
15 of religion guaranteed to the religious entity by the
16 Constitution of the United States or the Constitution of
17 Pennsylvania.

18 (2) Require an individual or religious entity to engage in
19 conduct prohibited by or inconsistent with the tenets of its
20 faith, if the requirement would violate the free exercise of
21 religion guaranteed to the individual or religious entity by the
22 Constitution of the United States or the Constitution of
23 Pennsylvania.

24 (b) As used in this section, the term "religious entity"
25 means a religious or denominational institution or organization
26 or a charitable or educational organization which is operated,
27 supervised or controlled by or in connection with a religious
28 organization.

29 Section 5. Sections 7(i), (j), (k) and 8 of the act are
30 amended to read:

1 Section 7. Powers and Duties of the Commission.--The
2 Commission shall have the following powers and duties:

3 * * *

4 (i) To create such advisory agencies and conciliation
5 councils, local or state-wide, as will aid in effectuating the
6 purposes of this act. The Commission may itself or it may
7 empower these agencies and councils to (1) study the problems of
8 discrimination in all or specific fields of human relationships
9 when based on race, color, familial status, religious creed,
10 ancestry, age, sex, sexual orientation, gender identity or
11 expression, national origin or handicap or disability, and (2)
12 foster, through community effort or otherwise, good will among
13 the groups and elements of the population of the State. Such
14 agencies and councils may make recommendations to the Commission
15 for the development of policies and procedure in general.
16 Advisory agencies and conciliation councils created by the
17 Commission shall be composed of representative citizens, serving
18 without pay, but the Commission may make provision for technical
19 and clerical assistance to such agencies and councils, and for
20 the payment of the expenses of such assistance.

21 (j) To issue such publications and such results of
22 investigations and research as, in its judgment, will tend to
23 promote good will and minimize or eliminate discrimination
24 because of race, color, familial status, religious creed,
25 ancestry, age, sex, sexual orientation, gender identity or
26 expression, national origin or handicap or disability.

27 (k) To submit an annual report for each fiscal year by the
28 following March 31 to the General Assembly, the Labor and
29 Industry Committee of the Senate and the State Government
30 Committee of the House of Representatives and the Governor

1 describing in detail the types of complaints received, the
2 investigations, status of cases, Commission action which has
3 been taken, how many were found to have probable cause, how many
4 were resolved by public hearing and the length of time from the
5 initial complaint to final Commission resolution. It shall also
6 contain recommendations for such further legislation concerning
7 abuses and discrimination because of race, color, familial
8 status, religious creed, ancestry, national origin, age, sex,
9 sexual orientation, gender identity or expression, handicap or
10 disability or the use of a guide or support animal because of
11 the blindness, deafness or physical handicap of the user or
12 because the user is a handler or trainer of support or guide
13 animals, as may be desirable.

14 * * *

15 Section 8. Educational Program.--The Commission, in
16 cooperation with the Department of Education, is authorized to
17 recommend a multicultural educational program, designed for the
18 students of the schools in this Commonwealth and for all other
19 residents thereof, with emphasis on foreign cultural and
20 language studies, as well as on the basic shared precepts and
21 principles of United States culture, in order to promote
22 cultural understanding and appreciation and to further good will
23 among all persons, without regard to race, color, familial
24 status, religious creed, ancestry, age, sex, sexual orientation,
25 gender identity or expression, national origin, handicap or
26 disability.

27 Section 6. Section 12(b) of the act is amended and the
28 section is amended by adding a subsection to read:

29 Section 12. Construction and Exclusiveness of Remedy.--

30 * * *

1 (b) Except as provided in subsection (c), nothing contained
2 in this act shall be deemed to repeal or supersede any of the
3 provisions of any existing or hereafter adopted municipal
4 ordinance, municipal charter or of any law of this Commonwealth
5 relating to discrimination because of race, color, familial
6 status, religious creed, ancestry, age, sex, sexual orientation,
7 gender identity or expression, national origin or handicap or
8 disability, but as to acts declared unlawful by section five of
9 this act the procedure herein provided shall, when invoked, be
10 exclusive and the final determination therein shall exclude any
11 other action, civil or criminal, based on the same grievance of
12 the complainant concerned. If the complainant institutes any
13 action based on such grievance without resorting to the
14 procedure provided in this act, such complainant may not
15 subsequently resort to the procedure herein. In the event of a
16 conflict between the interpretation of a provision of this act
17 and the interpretation of a similar provision contained in any
18 municipal ordinance, the interpretation of the provision in this
19 act shall apply to such municipal ordinance.

20 * * *

21 (g) Nothing in this act shall prohibit an employer from
22 requiring an employe, during the employe's hours at work, to
23 adhere to reasonable dress or grooming standards not prohibited
24 by other provisions of Federal, State or local law, provided
25 that the employer permits an employe to adhere to the dress or
26 grooming standards that are consistent with the employe's gender
27 identity or expression.

28 Section 7. This act shall take effect in 30 days.