AN ACT

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

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

Section 1. The title and sections 2 and 3 of the act of
October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
Human Relations Act, amended December 20, 1991 (P.L.414, No.51),
are amended to read:

AN ACT

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

Section 2. Findings and Declaration of Policy.--
(a) The practice or policy of discrimination against individuals or groups by reason of their race, color, familial status, religious creed, ancestry, age, sex, sexual orientation, gender identity or expression, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals is a matter of concern of the Commonwealth. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the Commonwealth, and undermines the foundations of a free democratic state. The denial of equal employment, housing and public accommodation opportunities because of such discrimination, and the consequent failure to utilize the productive capacities of individuals to their fullest extent, deprives large segments of the population of the Commonwealth of earnings necessary to maintain decent standards of living, necessitates their resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public health and welfare, compels many individuals to live in dwellings which are substandard,
unhealthful and overcrowded, resulting in racial segregation in public schools and other community facilities, juvenile delinquency and other evils, thereby threatening the peace, health, safety and general welfare of the Commonwealth and its inhabitants. **Public policies, reflecting an open and welcoming environment and ensuring equal opportunity, foster economic growth and prosperity which benefit the inhabitants of this Commonwealth.** Conversely, the absence of nondiscrimination protections hinder efforts to recruit and retain the diversity of talented individuals and successful enterprises required for a thriving economy and strong public sector on which the inhabitants of this Commonwealth depend.

(b) It is hereby declared to be the public policy of this Commonwealth:

(1) To foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, age, sex, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, and to safeguard their right to obtain and hold employment without such discrimination.

(2) To assure equal opportunities to all individuals and to safeguard their rights to public accommodation [and to secure housing accommodation and commercial property] regardless of race, color, familial status, religious creed, ancestry, age, sex, sexual orientation, gender identity or expression, national origin, handicap or disability, use of guide or support animals because of blindness or deafness of the user or because the user is a handler or trainer of guide or support animals.
(3) To assure equal opportunities to all individuals and to safeguard their rights to secure housing accommodation and commercial property regardless of race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap or disability, use of guide or support animals because of blindness or deafness of the user or because the user is a handler or trainer of guide or support animals.

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

Section 3. Right to Freedom from Discrimination in Employment[, Housing and Public Accommodation].--The opportunity for an individual to obtain employment for which he is qualified[, and to obtain all the accommodations, advantages, facilities and privileges of any public accommodation and of any housing accommodation and commercial property] without discrimination because of race, color, familial status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this act.

Section 2. The act is amended by adding sections to read:

Section 3.1. Right to Freedom from Discrimination in Housing.--The opportunity for an individual to obtain all the accommodations, advantages, facilities and privileges of any housing accommodation and commercial property without discrimination because of race, color, familial status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this act.
religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this act.

Section 3.2. Right to Freedom from Discrimination in Public Accommodation.--The opportunity for an individual to obtain all the accommodations, advantages, facilities and privileges of any public accommodation without discrimination because of race, color, familial status, religious creed, ancestry, handicap or disability, age, sex, sexual orientation, gender identity or expression, national origin, the use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this act.

Section 4. Section 4 of the act is amended by adding subsections to read:

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

* * *

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

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

Section 4. Section 5(i) of the act, amended December 20, 20160SB1316PN1950
Section 5. Unlawful Discriminatory Practices.--It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or in the case of a fraternal corporation or association, unless based upon membership in such association or corporation, or except where based upon applicable security regulations established by the United States or the Commonwealth of Pennsylvania:

* * *

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

(1) Refuse, withhold from, or deny to any person because of [his] race, color, sex, sexual orientation, gender identity or expression, religious creed, ancestry, national origin or handicap or disability, or to any person due to use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such public accommodation, resort or amusement.

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

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

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

* * *

Section 5. The act is amended by adding a section to read:
Section 5.4. Protection of Religious Exercise.--(a) Nothing
contained in this act, or in any ordinance, charter, law or
regulation that is or has been adopted by any political
subdivision in this Commonwealth in accordance with this act,
shall be interpreted to:

(1) Prohibit any religious entity from determining the
tenets of its faith, or from expressing those tenets, if such
prohibition would violate the freedom of speech or free exercise
of religion guaranteed to the religious entity by the
Constitution of the United States or the Constitution of
Pennsylvania.

(2) Require any individual or religious entity to engage in conduct prohibited by or inconsistent with the tenets of its faith, if such requirement would violate the free exercise of religion guaranteed to the individual or religious entity by the Constitution of the United States or the Constitution of Pennsylvania.

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

Section 6. Section 7(i), (j) and (k) of the act, amended December 20, 1991 (P.L.414, No.51), are amended to read:

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

* * *

(i) To create such advisory agencies and conciliation councils, local or state-wide, as will aid in effectuating the purposes of this act. The Commission may itself or it may empower these agencies and councils to (1) study the problems of discrimination in all or specific fields of human relationships when based on race, color, familial status, religious creed, ancestry, age, sex, sexual orientation, gender identity or expression, national origin or handicap or disability, and (2) foster, through community effort or otherwise, good will among the groups and elements of the population of the State. Such agencies and councils may make recommendations to the Commission for the development of policies and procedure in general.

Advisory agencies and conciliation councils created by the
Commission shall be composed of representative citizens, serving without pay, but the Commission may make provision for technical and clerical assistance to such agencies and councils, and for the payment of the expenses of such assistance.

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

(k) To submit an annual report for each fiscal year by the following March 31 to the General Assembly, the Labor and Industry Committee of the Senate and the State Government Committee of the House of Representatives and the Governor describing in detail the types of complaints received, the investigations, status of cases, Commission action which has been taken, how many were found to have probable cause, how many were resolved by public hearing and the length of time from the initial complaint to final Commission resolution. It shall also contain recommendations for such further legislation concerning abuses and discrimination because of race, color, familial status, religious creed, ancestry, national origin, age, sex, sexual orientation, gender identity or expression, handicap or disability or the use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, as may be desirable.

* * *

Section 7. Section 8 of the act, amended July 12, 1996 (P.L.684, No.117), is amended to read:
Section 8. Educational Program.--The Commission, in cooperation with the Department of Education, is authorized to recommend a multicultural educational program, designed for the students of the schools in this Commonwealth and for all other residents thereof, with emphasis on foreign cultural and language studies, as well as on the basic shared precepts and principles of United States culture, in order to promote cultural understanding and appreciation and to further good will among all persons, without regard to race, color, familial status, religious creed, ancestry, age, sex, sexual orientation, gender identity or expression, national origin, handicap or disability.

Section 8. Section 12(b) of the act, amended December 20, 1991 (P.L.414, No.51), is amended to read:

Section 12. Construction and Exclusiveness of Remedy.--

* * *

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

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Section 9. This act shall take effect in 30 days.