

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 150 Session of 2023

INTRODUCED BY SANTARSIERO, SAVAL, KEARNEY, HAYWOOD, STREET,
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COMITTA, COSTA, L. WILLIAMS, MUTH, FLYNN, HUGHES, BOSCOLA AND
COLLETT, MARCH 15, 2023

REFERRED TO LABOR AND INDUSTRY, MARCH 15, 2023

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled
2 "An act prohibiting certain practices of discrimination
3 because of race, color, religious creed, ancestry, age or
4 national origin by employers, employment agencies, labor
5 organizations and others as herein defined; creating the
6 Pennsylvania Human Relations Commission in the Governor's
7 Office; defining its functions, powers and duties; providing
8 for procedure and enforcement; providing for formulation of
9 an educational program to prevent prejudice; providing for
10 judicial review and enforcement and imposing penalties,"
11 further providing for title of the act, for findings and
12 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 the
18 commission, 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:

AN ACT

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

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

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

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

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

1 or support animals.

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

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

20 Section 2. Section 4(b) of the act is amended and the
21 section is amended by 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 an individual's
11 physical, romantic or emotional attraction to individuals of the
12 same or different gender.

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

17 Section 3. Sections 5(a), (b), (c), (f), (g), (h) and (i)
18 and 5.3 of the act are amended to read:

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

26 (a) For any employer because of the actual or perceived
27 race, color, religious creed, ancestry, age, sex, sexual
28 orientation, gender identity or expression, national origin or
29 non-job related handicap or disability or the use of a guide or
30 support animal because of the blindness, deafness or physical

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

30 (b) For any employer, employment agency or labor

organization, prior to the employment, contracting with an independent contractor or admission to membership, to:

(1) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, color, religious creed, ancestry, age, sex, sexual orientation, gender identity or expression, national origin, past handicap or disability or the use of a guide or support animal because of the blindness, deafness or physical handicap of any applicant for employment or membership. Prior to an offer of employment, an employer may not inquire as to whether an individual has a handicap or disability or as to the severity of such handicap or disability. An employer may inquire as to the individual's ability to perform the essential functions of the employment.

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

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

(4) Substantially confine or limit recruitment or hiring of

1 individuals, with intent to circumvent the spirit and purpose of
2 this act, to any employment agency, employment service, labor
3 organization, training school or training center or any other
4 employe-referring source which services individuals who are
5 predominantly of the same race, color, religious creed,
6 ancestry, age, sex, sexual orientation, gender identity or
7 expression, national origin or non-job related handicap or
8 disability.

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

11 Nothing in clause (b) of this section shall bar any
12 institution or organization for handicapped or disabled persons
13 from limiting or giving preference in employment or membership
14 to handicapped or disabled persons.

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

25 * * *

26 (f) For any employment agency to fail or refuse to classify
27 properly, refer for employment or otherwise to discriminate
28 against any individual because of [his] the actual or perceived
29 race, color, religious creed, ancestry, age, sex, sexual
30 orientation, gender identity or expression, national origin,

1 non-job related handicap or disability or the use of a guide or
2 support animal because of the blindness, deafness or physical
3 handicap of the user.

4 (g) For any individual seeking employment to publish or
5 cause to be published any advertisement which in any manner
6 expresses a limitation or preference as to the race, color,
7 religious creed, ancestry, age, sex, sexual orientation, gender
8 identity or expression, national origin, non-job related
9 handicap or disability or the use of a guide or support animal
10 because of the blindness, deafness or physical handicap of any
11 prospective employer.

12 (h) For any person to:

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

28 (1.1) Evict or attempt to evict an occupant of any housing
29 accommodation before the end of the term of a lease because of
30 pregnancy or the birth of a child.

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

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

28 (3.1) Refuse to permit, at the expense of a person with a
29 handicap, reasonable modifications of existing premises occupied
30 or to be occupied by such person if such modifications may be

1 necessary to afford such person full enjoyment of the premises,
2 except that, in the case of a rental, the landlord may, where it
3 is reasonable to do so, grant permission for a modification if
4 the renter agrees to restore the interior of the premises to the
5 condition that existed before the modification, with reasonable
6 wear and tear excepted.

7 (3.2) Refuse to make reasonable accommodations in rules,
8 policies, practices or services when such accommodations may be
9 necessary to afford such person equal opportunity to use and
10 enjoy a housing accommodation.

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

24 (5) Print, publish or circulate any statement or
25 advertisement: (i) relating to the sale, lease or acquisition of
26 any housing accommodation or commercial property or the loan of
27 money, whether or not secured by mortgage, or otherwise for the
28 acquisition, construction, rehabilitation, repair or maintenance
29 of any housing accommodation or commercial property which
30 indicates any preference, limitation, specification, or

1 discrimination based upon race, color, familial status, age,
2 religious creed, ancestry, sex, sexual orientation, gender
3 identity or expression, national origin, handicap or disability
4 or because of the handicap or disability of an individual with
5 whom the person is known to have a relationship or association,
6 or (ii) relating to the sale, lease or acquisition of any
7 housing accommodation or commercial property which indicates any
8 preference, limitation, specification or discrimination based
9 upon use of a guide or support animal because of the blindness,
10 deafness or physical handicap of the user or because the user is
11 a handler or trainer of support or guide animals.

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

1 (7) Construct, operate, offer for sale, lease or rent or
2 otherwise make available housing or commercial property which is
3 not accessible.

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

6 (i) It shall be unlawful for any person or other entity
7 whose business includes engaging in real estate-related
8 transactions to discriminate against any person in making
9 available such a transaction or in the terms or conditions of
10 such a transaction because of the actual or perceived race,
11 color, religious creed, ancestry, national origin, sex, sexual
12 orientation, gender identity or expression, age, handicap or
13 disability, use of a guide or support animal because of a
14 physical handicap or because the user is a handler or trainer of
15 guide or support animals or familial status.

16 (ii) Nothing in this act prohibits a person engaged in the
17 business of furnishing appraisals of real property to take into
18 consideration factors other than race, color, religious creed,
19 ancestry, national origin, sex, sexual orientation, gender
20 identity or expression, age, handicap or disability, use of a
21 guide or support animal because of a physical handicap or
22 because the user is a handler or trainer of guide or support
23 animals or familial status.

24 (9) Nothing in this clause, regarding age or familial
25 status, shall apply with respect to housing for older persons. A
26 person shall not be held personally liable for monetary damages
27 for a violation of this act if the person reasonably relied, in
28 good faith, on the application of the exemption of this
29 subclause. A person may only prove good faith reliance on the
30 application of the exemption of this subclause by proving that

1 at the time of the act complained of all of the following
2 applied:

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

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

8 (10) Nothing in this clause shall bar any religious or
9 denominational institution or organization or any charitable or
10 educational organization which is operated, supervised or
11 controlled by or in connection with a religious organization or
12 any bona fide private or fraternal organization from giving
13 preference to persons of the same religion or denomination or to
14 members of such private or fraternal organization or from making
15 such selection as is calculated by such organization to promote
16 the religious principles or the aims, purposes or fraternal
17 principles for which it is established or maintained. Nor shall
18 it apply to the rental of rooms in a landlord-occupied rooming
19 house with a common entrance, nor with respect to discrimination
20 based on sex, the advertising, rental or leasing of housing
21 accommodations in a single-sex dormitory or rooms in one's
22 personal residence in which common living areas are shared.

23 (11) Nothing in this act limits the applicability of the
24 Fair Housing Act and reasonable State or local restrictions on
25 the maximum number of occupants permitted to occupy a dwelling
26 or a reasonable restriction relating to health or safety
27 standards or business necessity. Owners and managers of
28 dwellings may develop and implement reasonable occupancy and
29 safety standards based on factors such as the number and size of
30 sleeping areas or bedrooms and the overall size of a dwelling

1 unit so long as the standards do not violate the Fair Housing
2 Act or State or local restrictions.

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

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

16 (2) Publish, circulate, issue, display, post or mail, either
17 directly or indirectly, any written or printed communication,
18 notice or advertisement to the effect that any of the
19 accommodations, advantages, facilities and privileges of any
20 such place shall be refused, withheld from or denied to any
21 person on account of race, color, religious creed, sex, sexual
22 orientation, gender identity or expression, ancestry, national
23 origin or handicap or disability, or to any person due to use of
24 a guide or support animal because of the blindness, deafness or
25 physical handicap of the user, or because the user is a handler
26 or trainer of support or guide animals, or that the patronage or
27 custom thereat of any person[, belonging to or purporting to be
28 of any particular] because of race, color, religious creed, sex,
29 sexual orientation, gender identity or expression, ancestry,
30 national origin or handicap or disability, or to any person due

1 to 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, is unwelcome,
4 objectionable or not acceptable, desired or solicited.

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

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

13 * * *

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

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

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

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

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

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

1 orientation, gender identity or expression, national origin,
2 handicap or disability, or the use of a guide or support animal
3 because of the blindness, deafness or physical handicap of the
4 user.

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

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

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

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

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

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

30 Section 7. Powers and Duties of the Commission.--The

1 Commission shall have the following powers and duties:

2 * * *

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

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

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

15 * * *

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

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

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

1 * * *

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

22 * * *

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

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