



General Assembly

February Session, 2022

Raised Bill No. 189

LCO No. 1661



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT PROHIBITING SEX OR GENDER-BASED DIFFERENTIAL PRICING FOR SUBSTANTIALLY SIMILAR GOODS OR SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-51 of the 2022 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2022*):

4 As used in this chapter, section 4a-60a and [this chapter] section 3 of
5 this act:

6 (1) "Blind" refers to an individual whose central visual acuity does
7 not exceed 20/200 in the better eye with correcting lenses, or whose
8 visual acuity is greater than 20/200 but is accompanied by a limitation
9 in the fields of vision such that the widest diameter of the visual field
10 subtends an angle no greater than twenty degrees;

11 (2) "Commission" means the Commission on Human Rights and
12 Opportunities created by section 46a-52;

13 (3) "Commission legal counsel" means a member of the legal staff

- 14 employed by the commission pursuant to section 46a-54;
- 15 (4) "Commissioner" means a member of the commission;
- 16 (5) "Court" means the Superior Court or any judge of said court;
- 17 (6) "Discrimination" includes segregation and separation;
- 18 (7) "Discriminatory employment practice" means any discriminatory
19 practice specified in section 46a-60 or 46a-81c;
- 20 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
21 60a, 4a-60g [,] or 31-40y, subparagraph (C) of subdivision (15) of section
22 46a-54, [subdivisions] subdivision (16) [and] or (17) of section 46a-54,
23 section 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66 [,] or 46a-68,
24 sections 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive,
25 subsection (a) of section 46a-80, [or] sections 46a-81b to 46a-81o,
26 inclusive, or section 3 of this act;
- 27 (9) "Employee" means any person employed by an employer but shall
28 not include any individual employed by such individual's parents,
29 spouse or child;
- 30 (10) "Employer" includes the state and all political subdivisions
31 thereof and means any person or employer with three or more persons
32 in such person's or employer's employ;
- 33 (11) "Employment agency" means any person undertaking with or
34 without compensation to procure employees or opportunities to work;
- 35 (12) "Labor organization" means any organization which exists for the
36 purpose, in whole or in part, of collective bargaining or of dealing with
37 employers concerning grievances, terms or conditions of employment,
38 or of other mutual aid or protection in connection with employment;
- 39 (13) "Intellectual disability" [means intellectual disability as defined]
40 has the same meaning as provided in section 1-1g;
- 41 (14) "Person" means one or more individuals, partnerships,

42 associations, corporations, limited liability companies, legal
43 representatives, trustees, trustees in bankruptcy, receivers and the state
44 and all political subdivisions and agencies thereof;

45 (15) "Physically disabled" refers to any individual who has any
46 chronic physical handicap, infirmity or impairment, whether congenital
47 or resulting from bodily injury, organic processes or changes or from
48 illness, including, but not limited to, epilepsy, deafness or being hard of
49 hearing or reliance on a wheelchair or other remedial appliance or
50 device;

51 (16) "Respondent" means any person alleged in a complaint filed
52 pursuant to section 46a-82 to have committed a discriminatory practice;

53 (17) "Discrimination on the basis of sex" includes but is not limited to
54 discrimination related to pregnancy, child-bearing capacity,
55 sterilization, fertility or related medical conditions;

56 (18) "Discrimination on the basis of religious creed" includes but is
57 not limited to discrimination related to all aspects of religious
58 observances and practice as well as belief, unless an employer
59 demonstrates that the employer is unable to reasonably accommodate
60 to an employee's or prospective employee's religious observance or
61 practice without undue hardship on the conduct of the employer's
62 business;

63 (19) "Learning disability" refers to an individual who exhibits a severe
64 discrepancy between educational performance and measured
65 intellectual ability and who exhibits a disorder in one or more of the
66 basic psychological processes involved in understanding or in using
67 language, spoken or written, which may manifest itself in a diminished
68 ability to listen, speak, read, write, spell or to do mathematical
69 calculations;

70 (20) "Mental disability" refers to an individual who has a record of, or
71 is regarded as having one or more mental disorders, as defined in the
72 most recent edition of the American Psychiatric Association's

73 "Diagnostic and Statistical Manual of Mental Disorders"; [and]

74 (21) "Gender identity or expression" means a person's gender-related
75 identity, appearance or behavior, whether or not that gender-related
76 identity, appearance or behavior is different from that traditionally
77 associated with the person's physiology or assigned sex at birth, which
78 gender-related identity can be shown by providing evidence including,
79 but not limited to, medical history, care or treatment of the gender-
80 related identity, consistent and uniform assertion of the gender-related
81 identity or any other evidence that the gender-related identity is
82 sincerely held, part of a person's core identity or not being asserted for
83 an improper purpose; [.]

84 (22) "Veteran" [means veteran as defined] has the same meaning as
85 provided in subsection (a) of section 27-103;

86 (23) "Race" is inclusive of ethnic traits historically associated with
87 race, including, but not limited to, hair texture and protective hairstyles;
88 and

89 (24) "Protective hairstyles" includes, but is not limited to, wigs,
90 headwraps and hairstyles such as individual braids, cornrows, locs,
91 twists, Bantu knots, afros and afro puffs.

92 Sec. 2. Subdivision (8) of section 46a-51 of the 2022 supplement to the
93 general statutes, as amended by section 10 of public act 21-32, is
94 repealed and the following is substituted in lieu thereof (*Effective January*
95 *1, 2023*):

96 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
97 60a, 4a-60g [,] or 31-40y, subsection (b), (d), (e) or (f) of section 31-51i,
98 subparagraph (C) of subdivision (15) of section 46a-54, [subdivisions]
99 subdivision (16) [and] or (17) of section 46a-54, section 46a-58, 46a-59,
100 46a-60, 46a-64, 46a-64c, 46a-66 [,] or 46a-68, 46a-68c to 46a-68f, inclusive,
101 or 46a-70 to 46a-78, inclusive, subsection (a) of section 46a-80, [or]
102 sections 46a-81b to 46a-81o, inclusive, [and sections] 46a-80b to 46a-80e,
103 inclusive, [and sections] or 46a-80k to 46a-80m, inclusive, or section 3 of

104 this act;

105 Sec. 3. (NEW) (*Effective October 1, 2022*) (a) As used in this section:

106 (1) "Business" means any individual or association, corporation, firm,
107 joint stock company, joint venture, limited liability company,
108 partnership, sole proprietorship, trust or other legal entity through
109 which commerce is conducted;

110 (2) "Qualified goods" means consumer products that are bought,
111 rendered or used primarily for family, household or personal purposes;

112 (3) "Qualified services" means consumer services that are bought,
113 rendered or used primarily for family, household or personal purposes;

114 (4) "Substantially similar qualified goods" means qualified goods that
115 exhibit no substantial difference in (A) the materials used in their
116 production, (B) their intended use, (C) their features and functional
117 design, and (D) brand; and

118 (5) "Substantially similar qualified services" means qualified services
119 that exhibit no substantial difference in (A) the amount of time necessary
120 to provide such qualified services, (B) the difficulty inherent in
121 providing such qualified services, and (C) the cost of providing such
122 qualified services.

123 (b) Except as provided in subsection (c) of this section, it shall be a
124 discriminatory practice in violation of this section for a business to
125 charge different prices for:

126 (1) Substantially similar qualified goods in this state if the price
127 differential is due to the sex or gender identity or expression of the
128 individuals to whom such substantially similar qualified goods are
129 directed or marketed; or

130 (2) Substantially similar qualified services in this state if the price
131 differential is due to the sex or gender identity or expression of the
132 individuals to whom such substantially similar qualified services are

133 marketed, offered or provided.

134 (c) It shall not be a discriminatory practice in violation of this section
135 for a business to charge different prices in this state for qualified goods
136 or qualified services if the price differential is due to:

137 (1) A difference in:

138 (A) The amount of time required to manufacture the qualified goods
139 or provide the qualified services;

140 (B) The difficulty inherent in manufacturing the qualified goods or
141 offering the qualified services;

142 (C) The cost incurred in manufacturing the qualified goods or
143 offering the qualified services;

144 (D) The labor used in manufacturing the qualified goods or providing
145 the qualified services; or

146 (E) The materials used in manufacturing the qualified goods or
147 providing the qualified services; or

148 (2) Any matter that is unrelated to sex or gender identity or
149 expression.

150 (d) Any business that provides qualified services shall, upon request,
151 provide a consumer with a written price list for such business's qualified
152 services.

153 (e) The Commission on Human Rights and Opportunities shall,
154 within available appropriations, develop courses of instruction and
155 conduct ongoing public education efforts as necessary to inform
156 businesses and consumers in this state regarding their rights and
157 responsibilities under this section.

158 Sec. 4. Subsection (d) of section 46a-86 of the general statutes is
159 repealed and the following is substituted in lieu thereof (*Effective October*
160 *1, 2022*):

161 (d) In addition to any other action taken under this section, upon a
162 finding of a discriminatory practice prohibited by section 46a-66, [or]
163 46a-81f or section 3 of this act, the presiding officer shall file with the
164 commission and serve on the respondent an order requiring the
165 respondent to pay the complainant the damages resulting from the
166 discriminatory practice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	46a-51
Sec. 2	<i>January 1, 2023</i>	46a-51(8)
Sec. 3	<i>October 1, 2022</i>	New section
Sec. 4	<i>October 1, 2022</i>	46a-86(d)

Statement of Purpose:

To provide that it shall be a discriminatory practice for a business to charge different prices for substantially similar goods or services if the difference is due to sex or gender identity or expression.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]