



House of Representatives

File No. 838

General Assembly

January Session, 2011

(Reprint of File No. 617)

House Bill No. 6599
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 23, 2011

AN ACT CONCERNING DISCRIMINATION.

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

1 Section 1. Section 46a-51 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 As used in section 4a-60a and this chapter:

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

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

11 (3) "Commission legal counsel" means a member of the legal staff
12 employed by the commission pursuant to section 46a-54;

13 (4) "Commissioner" means a member of the commission;

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

43 and all political subdivisions and agencies thereof;

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

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

53 (17) "Discrimination on the basis of sex" includes but is not limited
54 to 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
64 severe 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,
71 or is regarded as having one or more mental disorders, as defined in
72 the 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-
75 related identity, appearance or behavior, whether or not that gender-
76 related identity, appearance or behavior is different from that
77 traditionally associated with the person's physiology or assigned sex at
78 birth, which gender-related identity can be shown by providing
79 evidence including, but not limited to, medical history, care or
80 treatment of the gender-related identity, consistent and uniform
81 assertion of the gender-related identity or any other evidence that the
82 gender-related identity is sincerely held, part of a person's core
83 identity or not being asserted for an improper purpose.

84 Sec. 2. (NEW) (*Effective October 1, 2011*) As used in sections 4a-60, 8-
85 169s, 8-265c, 8-294, 8-315, 10-15c, 10-153, 10a-6, 11-24b, 16-245r, 16-247r,
86 28-15, 31-22p, 31-57e, 32-204, 32-277, 38a-358, 42-125a, 42-125b, 52-571d
87 and 53-37a of the general statutes, as amended by this act, and section
88 37 of this act, "gender identity or expression" means a person's gender-
89 related identity, appearance or behavior, whether or not that gender-
90 related identity, appearance or behavior is different from that
91 traditionally associated with the person's physiology or assigned sex at
92 birth, which gender-related identity can be shown by providing
93 evidence including, but not limited to, medical history, care or
94 treatment of the gender-related identity, consistent and uniform
95 assertion of the gender-related identity or any other evidence that the
96 gender-related identity is sincerely held, part of a person's core
97 identity or not being asserted for an improper purpose.

98 Sec. 3. Subsection (a) of section 4a-60 of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective*
100 *October 1, 2011*):

101 (a) Every contract to which the state or any political subdivision of
102 the state other than a municipality is a party shall contain the
103 following provisions:

104 (1) The contractor agrees and warrants that in the performance of
105 the contract such contractor will not discriminate or permit

106 discrimination against any person or group of persons on the grounds
107 of race, color, religious creed, age, marital status, national origin,
108 ancestry, sex, gender identity or expression, mental retardation, mental
109 disability or physical disability, including, but not limited to,
110 blindness, unless it is shown by such contractor that such disability
111 prevents performance of the work involved, in any manner prohibited
112 by the laws of the United States or of the state of Connecticut; and the
113 contractor further agrees to take affirmative action to insure that
114 applicants with job-related qualifications are employed and that
115 employees are treated when employed without regard to their race,
116 color, religious creed, age, marital status, national origin, ancestry, sex,
117 gender identity or expression, mental retardation, mental disability or
118 physical disability, including, but not limited to, blindness, unless it is
119 shown by such contractor that such disability prevents performance of
120 the work involved;

121 (2) The contractor agrees, in all solicitations or advertisements for
122 employees placed by or on behalf of the contractor, to state that it is an
123 "affirmative action-equal opportunity employer" in accordance with
124 regulations adopted by the commission;

125 (3) The contractor agrees to provide each labor union or
126 representative of workers with which such contractor has a collective
127 bargaining agreement or other contract or understanding and each
128 vendor with which such contractor has a contract or understanding, a
129 notice to be provided by the commission advising the labor union or
130 workers' representative of the contractor's commitments under this
131 section, and to post copies of the notice in conspicuous places available
132 to employees and applicants for employment;

133 (4) The contractor agrees to comply with each provision of this
134 section and sections 46a-68e and 46a-68f and with each regulation or
135 relevant order issued by said commission pursuant to sections 46a-56,
136 46a-68e and 46a-68f; and

137 (5) The contractor agrees to provide the Commission on Human

138 Rights and Opportunities with such information requested by the
139 commission, and permit access to pertinent books, records and
140 accounts, concerning the employment practices and procedures of the
141 contractor as relate to the provisions of this section and section 46a-56.

142 Sec. 4. Subsection (c) of section 8-169s of the general statutes is
143 repealed and the following is substituted in lieu thereof (*Effective*
144 *October 1, 2011*):

145 (c) The legislative body may, by resolution, vote to transfer the
146 urban homesteading property with or without compensation to the
147 applicant selected pursuant to subsection (b) of this section. Such
148 transfer shall be made pursuant to a contract of sale and rehabilitation
149 or construction which shall provide among other things that (1) the
150 property transferred be rehabilitated or constructed predominantly for
151 residential use and be brought into and maintained in conformity with
152 applicable health, housing and building code standard; (2) the
153 rehabilitation or construction shall commence and be completed
154 within a period of time as determined by the urban homesteading
155 agency; (3) prior to the issuance of a certificate of occupancy by the
156 building official no transfer of the property or any interest therein,
157 except a transfer to a bona fide mortgagee or similar lien holder, may
158 be made by the homesteader without the approval of the urban
159 homesteading agency, provided any such transfer may only be made
160 for a consideration not in excess of the cost of the property to the
161 homesteader together with the costs of any improvements made or
162 construction thereon by the homesteader; (4) in the sale or rental of the
163 property, or any portion of such property, no person shall be
164 discriminated against because of such person's race, color, religion,
165 sex, gender identity or expression, or national origin; and (5)
166 representatives of the urban homesteading agency, the municipality,
167 and where state or federal assistance is involved, representatives of the
168 federal and state governments, shall have access to the property
169 during normal business hours for the purpose of inspecting
170 compliance with the provisions of this subsection.

171 Sec. 5. Section 8-265c of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective October 1, 2011*):

173 The authority shall require that occupancy of all housing financed
174 or otherwise assisted under this chapter be open to all persons
175 regardless of race, creed, color, national origin or ancestry, [or] sex or
176 gender identity or expression and that the contractors and
177 subcontractors engaged in the construction or rehabilitation of such
178 housing shall take affirmative action to provide equal opportunity for
179 employment without discrimination as to race, creed, color, national
180 origin or ancestry, [or] sex or gender identity or expression.

181 Sec. 6. Subsection (c) of section 8-294 of the general statutes is
182 repealed and the following is substituted in lieu thereof (*Effective*
183 *October 1, 2011*):

184 (c) The legislative body may, by resolution, vote to transfer the
185 urban rehabilitation property with or without compensation to the
186 person selected pursuant to subsection (b) of this section. Such transfer
187 shall be made pursuant to a contract of sale and rehabilitation which
188 shall provide among other things that (1) the property transferred be
189 rehabilitated predominantly for industrial or commercial use and be
190 brought into and maintained in conformity with applicable health,
191 housing and building code standards; (2) that the rehabilitation shall
192 commence and be completed within a period of time as determined by
193 the urban rehabilitation agency; (3) prior to the issuance of a certificate
194 of occupancy by the building official, no transfer of the property or any
195 interest therein, except a transfer to a bona fide mortgagee or similar
196 lien holder, may be made by the rehabilitator without the approval of
197 the urban rehabilitation agency, provided any such transfer may only
198 be made for a consideration not in excess of the cost of the property to
199 the rehabilitator together with the costs of any improvements made
200 thereon by the rehabilitator; (4) in the sale or rental of the property, or
201 any portion of such property, no person shall be discriminated against
202 because of such person's race, color, religion, sex, gender identity or
203 expression or national origin; (5) representatives of the urban

204 rehabilitation agency, representatives of the municipality, and if state
205 or federal assistance is involved, representatives of the federal and
206 state governments shall be allowed access to the property during
207 normal business hours for the purpose of inspecting compliance with
208 the provisions of this subsection.

209 Sec. 7. Section 8-315 of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective October 1, 2011*):

211 The municipality shall take all necessary steps to insure that
212 occupancy of all housing financed or otherwise assisted pursuant to
213 this chapter be open to all persons regardless of race, creed, color,
214 national origin or ancestry, sex, gender identity or expression, age or
215 physical disability.

216 Sec. 8. Subsection (a) of section 10-15c of the general statutes is
217 repealed and the following is substituted in lieu thereof (*Effective*
218 *October 1, 2011*):

219 (a) The public schools shall be open to all children five years of age
220 and over who reach age five on or before the first day of January of
221 any school year, and each such child shall have, and shall be so
222 advised by the appropriate school authorities, an equal opportunity to
223 participate in the activities, programs and courses of study offered in
224 such public schools, at such time as the child becomes eligible to
225 participate in such activities, programs and courses of study, without
226 discrimination on account of race, color, sex, gender identity or
227 expression, religion, national origin or sexual orientation; provided
228 boards of education may, by vote at a meeting duly called, admit to
229 any school children under five years of age.

230 Sec. 9. Section 10-153 of the general statutes is repealed and the
231 following is substituted in lieu thereof (*Effective October 1, 2011*):

232 No local or regional board of education shall discriminate on the
233 basis of sex, gender identity or expression or marital status in the
234 employment of teachers in the public schools or in the determination

235 of the compensation to be paid to such teachers.

236 Sec. 10. Subsection (b) of section 10a-6 of the general statutes is
237 repealed and the following is substituted in lieu thereof (*Effective*
238 *October 1, 2011*):

239 (b) Within the limits of authorized expenditures, the policies of the
240 state system of higher education shall be consistent with the following
241 goals: (1) To ensure that no qualified person be denied the opportunity
242 for higher education on the basis of age, sex, gender identity or
243 expression, ethnic background or social, physical or economic
244 condition, (2) to protect academic freedom, (3) to provide
245 opportunities for education and training related to the economic,
246 cultural and educational development of the state, (4) to assure the
247 fullest possible use of available resources in public and private
248 institutions of higher education, (5) to maintain standards of quality
249 ensuring a position of national leadership for state institutions of
250 higher education, (6) to apply the resources of higher education to the
251 problems of society, and (7) to foster flexibility in the policies and
252 institutions of higher education to enable the system to respond to
253 changes in the economy, society, technology and student interests.
254 Said board shall review recent studies of the need for higher education
255 services, with special attention to those completed pursuant to
256 legislative action, and to meet such needs shall initiate additional
257 programs or services through one or more of the constituent units.

258 Sec. 11. Subsection (a) of section 11-24b of the general statutes is
259 repealed and the following is substituted in lieu thereof (*Effective*
260 *October 1, 2011*):

261 (a) Each principal public library, as defined in section 11-24a, shall
262 be eligible to receive a state grant in accordance with the provisions of
263 subsections (b), (c) and (d) of this section provided the following
264 requirements are met:

265 (1) An annual statistical report which includes certification that the
266 grant, when received, shall be used for library purposes is filed with

267 the State Library Board in such manner as the board may require. The
268 report shall include information concerning local library governance,
269 hours of service, type of facilities, library policies, resources, programs
270 and services available, measurement of levels of services provided,
271 personnel and fiscal information concerning library receipts and
272 expenditures;

273 (2) Documents certifying the legal establishment of the principal
274 public library in accordance with the provisions of section 11-20 are
275 filed with the board;

276 (3) The library is a participating library in the Connecticard program
277 established pursuant to section 11-31b;

278 (4) Except for the fiscal years ending June 30, 2010, and June 30,
279 2011, the principal public library shall not have had the amount of its
280 annual tax levy or appropriation reduced to an amount which is less
281 than the average amount levied or appropriated for the library for the
282 three fiscal years immediately preceding the year of the grant, except
283 that if the expenditures of the library in any one year in such three-
284 year period are unusually high as compared with expenditures in the
285 other two years, the library may request an exception to this
286 requirement and the board, upon review of the expenditures for that
287 year, may grant an exception;

288 (5) State grant funds shall be expended within two years of the date
289 of receipt of such funds. If the funds are not expended in that period,
290 the library shall submit a plan to the State Librarian for the
291 expenditure of any unspent balance;

292 (6) Principal public libraries shall not charge individuals residing in
293 the town in which the library is located or the town in which the
294 contract library is located for borrowing and lending library materials,
295 accessing information, advice and assistance and programs and
296 services which promote literacy; and

297 (7) Principal public libraries shall provide equal access to library

298 service for all individuals and shall not discriminate upon the basis of
299 age, race, sex, gender identity or expression, religion, national origin,
300 handicap or place of residency in the town in which the library is
301 located or the town in which the contract library is located.

302 Sec. 12. Section 16-245r of the general statutes is repealed and the
303 following is substituted in lieu thereof (*Effective October 1, 2011*):

304 No electric supplier, as defined in section 16-1, shall refuse to
305 provide electric generation services to, or refuse to negotiate to provide
306 such services to any customer because of age, race, creed, color,
307 national origin, ancestry, sex, gender identity or expression, marital
308 status, sexual orientation, lawful source of income, disability or
309 familial status. No electric supplier shall decline to provide electric
310 generation services to a customer for the sole reason that the customer
311 is located in an economically distressed geographic area or the
312 customer qualifies for hardship status under section 16-262c. No
313 electric supplier shall terminate or refuse to reinstate electric
314 generation services except in accordance with the provisions of this
315 title.

316 Sec. 13. Section 16-247r of the general statutes is repealed and the
317 following is substituted in lieu thereof (*Effective October 1, 2011*):

318 No telephone company or certified telecommunications provider, as
319 defined in section 16-1, shall refuse to provide telecommunications
320 services to, or refuse to negotiate to provide such services to any
321 customer because of age, race, creed, color, national origin, ancestry,
322 sex, gender identity or expression, marital status, sexual orientation,
323 lawful source of income, disability or familial status. No telephone
324 company or certified telecommunications provider shall decline to
325 provide telecommunications services to a customer for the sole reason
326 that the customer is located in an economically distressed geographic
327 area or the customer qualifies for hardship status under section
328 16-262c. No telephone company or certified telecommunications
329 provider shall terminate or refuse to reinstate telecommunications

330 services except in accordance with the provisions of this title.

331 Sec. 14. Subsection (b) of section 28-15 of the general statutes is
332 repealed and the following is substituted in lieu thereof (*Effective*
333 *October 1, 2011*):

334 (b) No person shall discriminate on the basis of race, color, religious
335 creed, sex, gender identity or expression, age, national origin, ancestry
336 or economic status in carrying out any provision of this chapter or any
337 federal major disaster or emergency assistance function in this state.

338 Sec. 15. Section 31-22p of the general statutes is repealed and the
339 following is substituted in lieu thereof (*Effective October 1, 2011*):

340 The Labor Commissioner, with the advice and guidance of the
341 council, shall formulate work training standards which will ensure
342 necessary safeguards for the welfare of apprentices and a full craft
343 experience in any skill, in order to provide equal opportunities to all,
344 without regard to their race, color, religion, sex, gender identity or
345 expression, age or national origin, and to provide training,
346 employment and upgrading opportunities for disadvantaged workers
347 to acquire a comprehensive skilled work experience and to extend the
348 application of such standards of skill training by inclusion thereof in
349 apprenticeship agreements, and shall bring together representatives of
350 management and labor for the development of training programs and
351 terms of apprenticeship incidental thereto and cooperate with state
352 and federal agencies similarly interested in furtherance of training
353 requirements in keeping with established and new processes of
354 Connecticut industries. The Labor Commissioner shall publish
355 information relating to existing and proposed work standards of
356 apprenticeship, hold area conferences throughout the state for the
357 purpose of promoting interest in skilled trades training and appoint
358 such advisory committees as may be deemed necessary to evaluate the
359 skilled manpower requirements of Connecticut in order to cope with
360 any new technological changes in industry.

361 Sec. 16. Subsection (e) of section 31-57e of the general statutes is

362 repealed and the following is substituted in lieu thereof (*Effective*
363 *October 1, 2011*):

364 (e) The Employment Rights Code referred to under this section shall
365 include the following provisions:

366 (1) A commercial enterprise subject to tribal jurisdiction shall not,
367 except in the case of a bona fide occupational qualification or need,
368 refuse to hire or employ or bar or discharge from employment any
369 individual or discriminate against him in compensation or in terms,
370 conditions or privileges of employment because of the individual's
371 race, color, religious creed, sex, gender identity or expression, marital
372 status, national origin, ancestry, age, present or past history of mental
373 disorder, mental retardation, sexual orientation, learning or physical
374 disability, political activity, union activity or the exercise of rights
375 protected by the United States Constitution. This subdivision shall not
376 be construed to restrict the right of a tribe to give preference in hiring
377 to members of the tribe.

378 (2) A commercial enterprise subject to tribal jurisdiction shall not
379 deny any individual, including a representative of a labor
380 organization, seeking to ensure compliance with this section, access to
381 employees of the tribe's commercial enterprise during nonwork time in
382 nonwork areas. The tribe shall not permit any supervisor, manager or
383 other agent of the tribe to restrict or otherwise interfere with such
384 access.

385 (3) When a labor organization claims that it has been designated or
386 selected for the purposes of collective bargaining by the majority of the
387 employees in a unit appropriate for such purposes, the labor
388 organization may apply to an arbitrator to verify the claim pursuant to
389 subdivision (4) of this subsection. If the arbitrator verifies that the labor
390 organization has been designated or selected as the bargaining
391 representative by a majority of the employees in an appropriate unit,
392 the tribe shall, upon request, recognize the labor organization as the
393 exclusive bargaining agent and bargain in good faith with the labor

394 organization in an effort to reach a collective bargaining agreement.
395 However, the arbitrator shall disallow any claim by a labor
396 organization which is dominated or controlled by the tribe.

397 (4) (A) Any individual or organization claiming to be injured by a
398 violation of any provision of this subsection shall have the right to seek
399 binding arbitration under the rules of the American Arbitration
400 Association. Such individual or organization shall file a demand for
401 arbitration with the tribe not later than one hundred eighty days after
402 the employee or labor organization knows or should know of the
403 tribe's violation of any provision of this subsection. The demand shall
404 state, in plain language, the facts giving rise to the demand.

405 (B) The demand for arbitration shall also be served upon the
406 Connecticut office of the American Arbitration Association. Absent
407 settlement, a hearing shall be held in accordance with the rules and
408 procedures of the American Arbitration Association. The costs and fees
409 of the arbitrator shall be shared equally by the tribe and the labor
410 organization.

411 (C) The decision of the arbitrator shall be final and binding on both
412 parties and shall be subject to judicial review and enforcement against
413 all parties in the manner prescribed by chapter 909.

414 (5) A tribe shall not retaliate against any individual who exercises
415 any right under the Employment Rights Code. Any individual or
416 organization claiming to be injured by a violation of the provisions of
417 this section shall have the right to seek binding arbitration pursuant to
418 subdivision (4) of this subsection.

419 Sec. 17. Section 32-204 of the general statutes is repealed and the
420 following is substituted in lieu thereof (*Effective October 1, 2011*):

421 The general purpose of the authority shall be to stimulate new
422 spending in Connecticut and to encourage the diversification of the
423 state economy through the construction, operation, maintenance and
424 marketing of a conference or exhibition facility that will create new

425 jobs, add to the benefits of the hospitality industry, broaden the base of
426 the tourism effort and stimulate substantial surrounding economic
427 development and corresponding increased tax revenues to the state.
428 The primary purpose of the authority shall be to attract and service
429 large conventions, tradeshow, exhibitions and conferences, preferably
430 those whose attendees are predominantly from out-of-state; the
431 secondary purpose of the authority, at times when its primary purpose
432 cannot be fulfilled, shall be to attract and service local consumer
433 shows, exhibitions and events which generate less new spending in
434 Connecticut. For these purposes, the authority shall have the following
435 powers: (1) To have perpetual succession as a body corporate and to
436 adopt procedures for the regulation of its affairs and the conduct of its
437 business as provided in subsection (f) of section 32-203; to adopt a
438 corporate seal and alter the same at its pleasure; and to maintain an
439 office at such place or places within the state as it may designate; (2) to
440 sue and be sued; to contract and be contracted with, provided, if
441 management, operating, or promotional contracts or agreements or
442 other contracts or agreements are entered into with nongovernmental
443 parties with respect to property financed with the proceeds of
444 obligations the interest on which is excluded from gross income for
445 federal income taxation, the board of directors will ensure that such
446 contracts or agreements are in compliance with the covenants of the
447 authority upon which such tax exclusion is conditioned; (3) to acquire,
448 by gift, purchase, condemnation or transfer, lands or rights-in-land in
449 connection therewith and to sell, lease as lessee or as lessor, provided
450 such activity is consistent with all applicable federal tax covenants of
451 the authority, transfer or dispose of any property or interest therein
452 acquired by it, at any time; and to receive and accept aid or
453 contributions, from any source, of money, labor, property or other
454 things of value, to be held, used and applied to carry out the purposes
455 of sections 32-200 to 32-212, inclusive, subject to the conditions upon
456 which such grants and contributions are made, including, but not
457 limited to, gifts or grants from any department, agency or
458 instrumentality of the United States or this state for any purpose
459 consistent with said sections; (4) to formulate plans for, acquire,

460 finance and develop, lease, purchase, construct, reconstruct, repair,
461 improve, expand, extend, operate, maintain and market the project,
462 provided such activities are consistent with all applicable federal tax
463 covenants of the authority; (5) to fix and revise from time to time and
464 to charge and collect fees, rents and other charges for the use,
465 occupancy or operation of the project, and to establish and revise from
466 time to time, regulations in respect of the use, operation and
467 occupancy of any such project, provided such regulations are
468 consistent with all applicable federal tax covenants of the authority; (6)
469 to employ such assistants, agents and other employees as may be
470 necessary or desirable to carry out its purposes and to fix their
471 compensation; to establish and modify personnel procedures as may
472 be necessary from time to time and to negotiate and enter into
473 collective bargaining agreements with labor unions; (7) to engage
474 architects, engineers, attorneys, accountants, consultants and such
475 other independent professionals as may be necessary or desirable to
476 carry out its purposes; to contract for construction, development,
477 concessions and the procurement of goods and services and to
478 establish and modify procurement procedures from time to time to
479 implement the foregoing in accordance with the provisions of
480 subsection (b) of this section; (8) to adopt procedures with respect to
481 contractors and subcontractors engaged in the construction of the
482 project which require such contractors or subcontractors (A) to take
483 affirmative action to provide equal opportunity for employment
484 without discrimination as to race, creed, color, national origin,
485 ancestry, sex, gender identity or expression, marital status, age, lawful
486 source of income, mental retardation, mental disability or physical
487 disability, including, but not limited to, blindness or deafness and (B)
488 to ensure that the wages paid on an hourly basis to any mechanic,
489 laborer or workman employed by such contractor or subcontractor
490 with respect to the project shall be at a rate equal to the rate customary
491 or prevailing for the same work in the same trade or occupation in the
492 town and city of Stamford; (9) to engage in and contract for marketing
493 and promotional activities to attract national, regional and local
494 conventions, trade shows, exhibitions, banquets and other events in

495 order to maximize the use of the project and to carry out the purposes
496 of sections 32-200 to 32-212, inclusive; (10) to acquire, lease, hold and
497 dispose of personal property for the purposes set forth in sections 32-
498 200 to 32-212, inclusive; (11) to procure insurance against any liability
499 or loss in connection with its property and other assets, in such
500 amounts and from such insurers as it deems desirable and to procure
501 insurance for employees; (12) to borrow money and to issue bonds,
502 notes and other obligations of the authority to the extent permitted
503 under sections 32-200 to 32-212, inclusive, to fund and refund the same
504 and to provide for the rights of the holders thereof and to secure the
505 same by pledge of assets, revenues, notes and state contract assistance
506 as provided in said sections and such state taxes as the authority shall
507 be entitled to receive pursuant to the provisions of said sections; (13) to
508 invest any funds not needed for immediate use or disbursement in
509 obligations issued or guaranteed by the United States of America or
510 the state of Connecticut and in other obligations which are legal
511 investments for savings banks in this state and in time deposits or
512 certificates of deposit or other similar banking arrangements secured
513 in such manner as the authority determines; (14) to do anything
514 necessary and desirable, including executing reimbursement
515 agreements or similar agreements in connection with credit facilities,
516 including, but not limited to, letters of credit or policies of bond
517 insurance, remarketing agreements and agreements for the purpose of
518 moderating interest rate fluctuations, to render any bonds to be issued
519 pursuant to sections 32-200 to 32-212, inclusive, more marketable; (15)
520 to do all acts and things necessary or convenient to carry out the
521 purposes of sections 32-200 to 32-212, inclusive, and the powers
522 expressly granted by said sections.

523 Sec. 18. Section 32-277 of the general statutes is repealed and the
524 following is substituted in lieu thereof (*Effective October 1, 2011*):

525 A regional corporation shall not provide any financial assistance
526 authorized by sections 32-271 to 32-284, inclusive, unless the following
527 conditions are met:

528 (1) The applicant has demonstrated that there is little prospect of
529 obtaining the conventional project financing requested from either
530 private or public sources of funding within the region, and that there is
531 little prospect of obtaining adequate project financing from private
532 sources of capital, or in the case of a loan guarantee, that there is little
533 prospect of obtaining project financing without the guarantee;

534 (2) There is a reasonable prospect of repayment;

535 (3) The project is located in the region represented by the regional
536 corporation;

537 (4) The project will comply with any applicable environmental rules
538 or regulations;

539 (5) The applicant has certified that it will not discriminate against
540 any employee or any applicant for employment because of race,
541 religion, color, national origin, sex, gender identity or expression or
542 age;

543 (6) A staff member or a representative of the regional corporation
544 acting in an official capacity has personally visited the project site and
545 the applicant's place of business; and

546 (7) Financial commitments or contingent financial commitments for
547 the project have been obtained from other public and private sources.

548 Sec. 19. Section 38a-358 of the general statutes is repealed and the
549 following is substituted in lieu thereof (*Effective October 1, 2011*):

550 The declination, cancellation or nonrenewal of a policy for private
551 passenger nonfleet automobile insurance is prohibited if the
552 declination, cancellation or nonrenewal is based: (1) On the race,
553 religion, nationality or ethnicity of the applicant or named insured; (2)
554 solely on the lawful occupation or profession of the applicant or
555 named insured, except that this provision shall not apply to any
556 insurer which limits its market to one lawful occupation or profession
557 or to several related lawful occupations or professions; (3) on the

558 principal location of the insured motor vehicle unless such decision is
559 for a business purpose which is not a mere pretext for unfair
560 discrimination; (4) solely on the age, sex, gender identity or expression
561 or marital status of an applicant or an insured, except that this
562 subdivision shall not apply to an insurer in an insurer group if one or
563 more other insurers in the group would not decline an application for
564 essentially similar coverage based upon such reasons; (5) on the fact
565 that the applicant or named insured previously obtained insurance
566 coverage through a residual market; (6) on the fact that another insurer
567 previously declined to insure the applicant or terminated an existing
568 policy in which the applicant was the named insured; (7) the first or
569 second accident within the current experience period in relation to
570 which the applicant or insured was not convicted of a moving traffic
571 violation and was not at fault; or (8) solely on information contained in
572 an insured's or applicant's credit history or credit rating or solely on an
573 applicant's lack of credit history. For the purposes of subdivision (8) of
574 this section, an insurer shall not be deemed to have declined, cancelled
575 or nonrenewed a policy if coverage is available through an affiliated
576 insurer.

577 Sec. 20. Section 42-125a of the general statutes is repealed and the
578 following is substituted in lieu thereof (*Effective October 1, 2011*):

579 It is the policy of the state of Connecticut to oppose restraints of
580 trade and unfair trade practices in the form of discriminatory boycotts
581 which are not specifically authorized by the law of the United States
582 and which are fostered or imposed by foreign persons, foreign
583 governments or international organizations against any domestic
584 individual on the basis of race, color, creed, religion, sex, gender
585 identity or expression, nationality or national origin. It is also the
586 policy of the state to oppose any actions, including the formation or
587 continuance of agreements, understandings or contractual
588 arrangements, expressed or implied, which have the effect of
589 furthering such discriminatory boycotts, in order that the peace,
590 health, safety, prosperity and general welfare of all the inhabitants of
591 the state may be protected and ensured. This chapter shall be deemed

592 an exercise of the police power of the state for the protection of the
593 people of this state and shall be administered and principally enforced
594 by the Attorney General. The provisions of this chapter shall be
595 construed liberally so as to effectuate this declaration of policy and the
596 laws and Constitution of the United States, but nothing in this chapter
597 shall be construed to infringe upon the right of the United States
598 government to regulate interstate and foreign commerce.

599 Sec. 21. Subsection (c) of section 42-125b of the general statutes is
600 repealed and the following is substituted in lieu thereof (*Effective*
601 *October 1, 2011*):

602 (c) "Participating in a discriminatory boycott" means the entering
603 into or performing of any agreement, understanding or contractual
604 arrangement for economic benefit by any person with any foreign
605 government, foreign person or international organization, which is not
606 specifically authorized by the laws of the United States and which is
607 required or imposed, either directly or indirectly, overtly or covertly,
608 by the foreign government, foreign person or international
609 organization in order to restrict, condition, prohibit or interfere with
610 any business relationship in this state on the basis of a domestic
611 individual's race, color, creed, religion, sex, gender identity or
612 expression, nationality or national origin; provided, handling, altering
613 or shipping goods or complying with the commercial laws of a foreign
614 country, unless such laws require discrimination against a domestic
615 individual on the basis of race, color, creed, religion, sex, gender
616 identity or expression, nationality or national origin, shall not
617 constitute a discriminatory boycott.

618 Sec. 22. Subsection (a) of section 46a-58 of the general statutes is
619 repealed and the following is substituted in lieu thereof (*Effective*
620 *October 1, 2011*):

621 (a) It shall be a discriminatory practice in violation of this section for
622 any person to subject, or cause to be subjected, any other person to the
623 deprivation of any rights, privileges or immunities, secured or

624 protected by the Constitution or laws of this state or of the United
625 States, on account of religion, national origin, alienage, color, race, sex,
626 gender identity or expression, sexual orientation, blindness or physical
627 disability.

628 Sec. 23. Subsection (a) of section 46a-59 of the general statutes is
629 repealed and the following is substituted in lieu thereof (*Effective*
630 *October 1, 2011*):

631 (a) It shall be a discriminatory practice in violation of this section for
632 any association, board or other organization the principal purpose of
633 which is the furtherance of the professional or occupational interests of
634 its members, whose profession, trade or occupation requires a state
635 license, to refuse to accept a person as a member of such association,
636 board or organization because of his race, national origin, creed, sex,
637 gender identity or expression or color.

638 Sec. 24. Subsection (a) of section 46a-60 of the general statutes is
639 repealed and the following is substituted in lieu thereof (*Effective*
640 *October 1, 2011*):

641 (a) It shall be a discriminatory practice in violation of this section:

642 (1) For an employer, by the employer or the employer's agent,
643 except in the case of a bona fide occupational qualification or need, to
644 refuse to hire or employ or to bar or to discharge from employment
645 any individual or to discriminate against such individual in
646 compensation or in terms, conditions or privileges of employment
647 because of the individual's race, color, religious creed, age, sex, gender
648 identity or expression, marital status, national origin, ancestry, present
649 or past history of mental disability, mental retardation, learning
650 disability or physical disability, including, but not limited to,
651 blindness;

652 (2) For any employment agency, except in the case of a bona fide
653 occupational qualification or need, to fail or refuse to classify properly
654 or refer for employment or otherwise to discriminate against any

655 individual because of such individual's race, color, religious creed, age,
656 sex, gender identity or expression, marital status, national origin,
657 ancestry, present or past history of mental disability, mental
658 retardation, learning disability or physical disability, including, but not
659 limited to, blindness;

660 (3) For a labor organization, because of the race, color, religious
661 creed, age, sex, gender identity or expression, marital status, national
662 origin, ancestry, present or past history of mental disability, mental
663 retardation, learning disability or physical disability, including, but not
664 limited to, blindness of any individual to exclude from full
665 membership rights or to expel from its membership such individual or
666 to discriminate in any way against any of its members or against any
667 employer or any individual employed by an employer, unless such
668 action is based on a bona fide occupational qualification;

669 (4) For any person, employer, labor organization or employment
670 agency to discharge, expel or otherwise discriminate against any
671 person because such person has opposed any discriminatory
672 employment practice or because such person has filed a complaint or
673 testified or assisted in any proceeding under section 46a-82, 46a-83 or
674 46a-84;

675 (5) For any person, whether an employer or an employee or not, to
676 aid, abet, incite, compel or coerce the doing of any act declared to be a
677 discriminatory employment practice or to attempt to do so;

678 (6) For any person, employer, employment agency or labor
679 organization, except in the case of a bona fide occupational
680 qualification or need, to advertise employment opportunities in such a
681 manner as to restrict such employment so as to discriminate against
682 individuals because of their race, color, religious creed, age, sex,
683 gender identity or expression, marital status, national origin, ancestry,
684 present or past history of mental disability, mental retardation,
685 learning disability or physical disability, including, but not limited to,
686 blindness;

687 (7) For an employer, by the employer or the employer's agent: (A)
688 To terminate a woman's employment because of her pregnancy; (B) to
689 refuse to grant to that employee a reasonable leave of absence for
690 disability resulting from her pregnancy; (C) to deny to that employee,
691 who is disabled as a result of pregnancy, any compensation to which
692 she is entitled as a result of the accumulation of disability or leave
693 benefits accrued pursuant to plans maintained by the employer; (D) to
694 fail or refuse to reinstate the employee to her original job or to an
695 equivalent position with equivalent pay and accumulated seniority,
696 retirement, fringe benefits and other service credits upon her
697 signifying her intent to return unless, in the case of a private employer,
698 the employer's circumstances have so changed as to make it impossible
699 or unreasonable to do so; (E) to fail or refuse to make a reasonable
700 effort to transfer a pregnant employee to any suitable temporary
701 position which may be available in any case in which an employee
702 gives written notice of her pregnancy to her employer and the
703 employer or pregnant employee reasonably believes that continued
704 employment in the position held by the pregnant employee may cause
705 injury to the employee or fetus; (F) to fail or refuse to inform the
706 pregnant employee that a transfer pursuant to subparagraph (E) of this
707 subdivision may be appealed under the provisions of this chapter; or
708 (G) to fail or refuse to inform employees of the employer, by any
709 reasonable means, that they must give written notice of their
710 pregnancy in order to be eligible for transfer to a temporary position;

711 (8) For an employer, by the employer or the employer's agent, for an
712 employment agency, by itself or its agent, or for any labor
713 organization, by itself or its agent, to harass any employee, person
714 seeking employment or member on the basis of sex or gender identity
715 or expression. "Sexual harassment" shall, for the purposes of this
716 section, be defined as any unwelcome sexual advances or requests for
717 sexual favors or any conduct of a sexual nature when (A) submission
718 to such conduct is made either explicitly or implicitly a term or
719 condition of an individual's employment, (B) submission to or rejection
720 of such conduct by an individual is used as the basis for employment

721 decisions affecting such individual, or (C) such conduct has the
722 purpose or effect of substantially interfering with an individual's work
723 performance or creating an intimidating, hostile or offensive working
724 environment;

725 (9) For an employer, by the employer or the employer's agent, for an
726 employment agency, by itself or its agent, or for any labor
727 organization, by itself or its agent, to request or require information
728 from an employee, person seeking employment or member relating to
729 the individual's child-bearing age or plans, pregnancy, function of the
730 individual's reproductive system, use of birth control methods, or the
731 individual's familial responsibilities, unless such information is
732 directly related to a bona fide occupational qualification or need,
733 provided an employer, through a physician may request from an
734 employee any such information which is directly related to workplace
735 exposure to substances which may cause birth defects or constitute a
736 hazard to an individual's reproductive system or to a fetus if the
737 employer first informs the employee of the hazards involved in
738 exposure to such substances;

739 (10) For an employer, by the employer or the employer's agent, after
740 informing an employee, pursuant to subdivision (9) of this subsection,
741 of a workplace exposure to substances which may cause birth defects
742 or constitute a hazard to an employee's reproductive system or to a
743 fetus, to fail or refuse, upon the employee's request, to take reasonable
744 measures to protect the employee from the exposure or hazard
745 identified, or to fail or refuse to inform the employee that the measures
746 taken may be the subject of a complaint filed under the provisions of
747 this chapter. Nothing in this subdivision is intended to prohibit an
748 employer from taking reasonable measures to protect an employee
749 from exposure to such substances. For the purpose of this subdivision,
750 "reasonable measures" shall be those measures which are consistent
751 with business necessity and are least disruptive of the terms and
752 conditions of the employee's employment;

753 (11) For an employer, by the employer or the employer's agent, for

754 an employment agency, by itself or its agent, or for any labor
755 organization, by itself or its agent: (A) To request or require genetic
756 information from an employee, person seeking employment or
757 member, or (B) to discharge, expel or otherwise discriminate against
758 any person on the basis of genetic information. For the purpose of this
759 subdivision, "genetic information" means the information about genes,
760 gene products or inherited characteristics that may derive from an
761 individual or a family member.

762 Sec. 25. Subsection (a) of section 46a-64 of the general statutes is
763 repealed and the following is substituted in lieu thereof (*Effective*
764 *October 1, 2011*):

765 (a) It shall be a discriminatory practice in violation of this section: (1)
766 To deny any person within the jurisdiction of this state full and equal
767 accommodations in any place of public accommodation, resort or
768 amusement because of race, creed, color, national origin, ancestry, sex,
769 gender identity or expression, marital status, age, lawful source of
770 income, mental retardation, mental disability or physical disability,
771 including, but not limited to, blindness or deafness of the applicant,
772 subject only to the conditions and limitations established by law and
773 applicable alike to all persons; (2) to discriminate, segregate or separate
774 on account of race, creed, color, national origin, ancestry, sex, gender
775 identity or expression, marital status, age, lawful source of income,
776 mental retardation, mental disability, learning disability or physical
777 disability, including, but not limited to, blindness or deafness; (3) for a
778 place of public accommodation, resort or amusement to restrict or limit
779 the right of a mother to breast-feed her child; (4) for a place of public
780 accommodation, resort or amusement to fail or refuse to post a notice,
781 in a conspicuous place, that any blind, deaf or mobility impaired
782 person, accompanied by his guide dog wearing a harness or an
783 orange-colored leash and collar, may enter such premises or facilities;
784 or (5) to deny any blind, deaf or mobility impaired person or any
785 person training a dog as a guide dog for a blind person or a dog to
786 assist a deaf or mobility impaired person, accompanied by his guide
787 dog or assistance dog, full and equal access to any place of public

788 accommodation, resort or amusement. Any blind, deaf or mobility
789 impaired person or any person training a dog as a guide dog for a
790 blind person or a dog to assist a deaf or mobility impaired person may
791 keep his guide dog or assistance dog with him at all times in such
792 place of public accommodation, resort or amusement at no extra
793 charge, provided the dog wears a harness or an orange-colored leash
794 and collar and is in the direct custody of such person. The blind, deaf
795 or mobility impaired person or person training a dog as a guide dog
796 for a blind person or a dog to assist a deaf or mobility impaired person
797 shall be liable for any damage done to the premises or facilities by his
798 dog. For purposes of this subdivision, "guide dog" or "assistance dog"
799 includes a dog being trained as a guide dog or assistance dog and
800 "person training a dog as a guide dog for a blind person or a dog to
801 assist a deaf or mobility impaired person" means a person who is
802 employed by and authorized to engage in designated training
803 activities by a guide dog organization or assistance dog organization
804 that complies with the criteria for membership in a professional
805 association of guide dog or assistance dog schools and who carries
806 photographic identification indicating such employment and
807 authorization.

808 Sec. 26. Subsection (a) of section 46a-64c of the general statutes is
809 repealed and the following is substituted in lieu thereof (*Effective*
810 *October 1, 2011*):

811 (a) It shall be a discriminatory practice in violation of this section:

812 (1) To refuse to sell or rent after the making of a bona fide offer, or
813 to refuse to negotiate for the sale or rental of, or otherwise make
814 unavailable or deny, a dwelling to any person because of race, creed,
815 color, national origin, ancestry, sex, gender identity or expression,
816 marital status, age, lawful source of income or familial status.

817 (2) To discriminate against any person in the terms, conditions, or
818 privileges of sale or rental of a dwelling, or in the provision of services
819 or facilities in connection therewith, because of race, creed, color,

820 national origin, ancestry, sex, gender identity or expression, marital
821 status, age, lawful source of income or familial status.

822 (3) To make, print or publish, or cause to be made, printed or
823 published any notice, statement, or advertisement, with respect to the
824 sale or rental of a dwelling that indicates any preference, limitation, or
825 discrimination based on race, creed, color, national origin, ancestry,
826 sex, gender identity or expression, marital status, age, lawful source of
827 income, familial status, learning disability or physical or mental
828 disability, or an intention to make any such preference, limitation or
829 discrimination.

830 (4) (A) To represent to any person because of race, creed, color,
831 national origin, ancestry, sex, gender identity or expression, marital
832 status, age, lawful source of income, familial status, learning disability
833 or physical or mental disability that any dwelling is not available for
834 inspection, sale or rental when such dwelling is in fact so available.

835 (B) It shall be a violation of this subdivision for any person to
836 restrict or attempt to restrict the choices of any buyer or renter to
837 purchase or rent a dwelling (i) to an area which is substantially
838 populated, even if less than a majority, by persons of the same
839 protected class as the buyer or renter, (ii) while such person is
840 authorized to offer for sale or rent another dwelling which meets the
841 housing criteria as expressed by the buyer or renter to such person and
842 (iii) such other dwelling is in an area which is not substantially
843 populated by persons of the same protected class as the buyer or
844 renter. As used in this subdivision, "area" means municipality,
845 neighborhood or other geographic subdivision which may include an
846 apartment or condominium complex; and "protected class" means race,
847 creed, color, national origin, ancestry, sex, gender identity or
848 expression, marital status, age, lawful source of income, familial status,
849 learning disability or physical or mental disability.

850 (5) For profit, to induce or attempt to induce any person to sell or
851 rent any dwelling by representations regarding the entry or

852 prospective entry into the neighborhood of a person or persons of a
853 particular race, creed, color, national origin, ancestry, sex, gender
854 identity or expression, marital status, age, lawful source of income,
855 familial status, learning disability or physical or mental disability.

856 (6) (A) To discriminate in the sale or rental, or to otherwise make
857 unavailable or deny, a dwelling to any buyer or renter because of a
858 learning disability or physical or mental disability of: (i) Such buyer or
859 renter; (ii) a person residing in or intending to reside in such dwelling
860 after it is so sold, rented, or made available; or (iii) any person
861 associated with such buyer or renter.

862 (B) To discriminate against any person in the terms, conditions or
863 privileges of sale or rental of a dwelling, or in the provision of services
864 or facilities in connection with such dwelling, because of a learning
865 disability or physical or mental disability of: (i) Such person; or (ii) a
866 person residing in or intending to reside in such dwelling after it is so
867 sold, rented, or made available; or (iii) any person associated with such
868 person.

869 (C) For purposes of this subdivision, discrimination includes: (i) A
870 refusal to permit, at the expense of a person with a physical or mental
871 disability, reasonable modifications of existing premises occupied or to
872 be occupied by such person if such modifications may be necessary to
873 afford such person full enjoyment of the premises; except that, in the
874 case of a rental, the landlord may, where it is reasonable to do so,
875 condition permission for a modification on the renter agreeing to
876 restore the interior of the premises to the condition that existed before
877 the modification, reasonable wear and tear excepted; (ii) a refusal to
878 make reasonable accommodations in rules, policies, practices or
879 services, when such accommodations may be necessary to afford such
880 person equal opportunity to use and enjoy a dwelling; (iii) in
881 connection with the design and construction of covered multifamily
882 dwellings for the first occupancy after March 13, 1991, a failure to
883 design and construct those dwellings in such manner that they comply
884 with the requirements of Section 804(f) of the Fair Housing Act or the

885 provisions of the state building code as adopted pursuant to the
886 provisions of sections 29-269 and 29-273, whichever requires greater
887 accommodation. "Covered multifamily dwellings" means buildings
888 consisting of four or more units if such buildings have one or more
889 elevators, and ground floor units in other buildings consisting of four
890 or more units.

891 (7) For any person or other entity engaging in residential real-estate-
892 related transactions to discriminate against any person in making
893 available such a transaction, or in the terms or conditions of such a
894 transaction, because of race, creed, color, national origin, ancestry, sex,
895 gender identity or expression, marital status, age, lawful source of
896 income, familial status, learning disability or physical or mental
897 disability.

898 (8) To deny any person access to or membership or participation in
899 any multiple-listing service, real estate brokers' organization or other
900 service, organization, or facility relating to the business of selling or
901 renting dwellings, or to discriminate against him in the terms or
902 conditions of such access, membership or participation, on account of
903 race, creed, color, national origin, ancestry, sex, gender identity or
904 expression, marital status, age, lawful source of income, familial status,
905 learning disability or physical or mental disability.

906 (9) To coerce, intimidate, threaten, or interfere with any person in
907 the exercise or enjoyment of, or on account of his having exercised or
908 enjoyed, or on account of his having aided or encouraged any other
909 person in the exercise or enjoyment of, any right granted or protected
910 by this section.

911 Sec. 27. Subsection (e) of section 46a-64c of the general statutes is
912 repealed and the following is substituted in lieu thereof (*Effective*
913 *October 1, 2011*):

914 (e) Nothing in this section prohibits a person engaged in the
915 business of furnishing appraisals of real property to take into
916 consideration factors other than race, creed, color, national origin,

917 ancestry, sex, gender identity or expression, marital status, age, lawful
918 source of income, familial status, learning disability or physical or
919 mental disability.

920 Sec. 28. Subsection (a) of section 46a-66 of the general statutes is
921 repealed and the following is substituted in lieu thereof (*Effective*
922 *October 1, 2011*):

923 (a) It shall be a discriminatory practice in violation of this section for
924 any creditor to discriminate on the basis of sex, gender identity or
925 expression, age, race, color, religious creed, national origin, ancestry,
926 marital status, mental retardation, learning disability, blindness or
927 physical disability against any person eighteen years of age or over in
928 any credit transaction.

929 Sec. 29. Subsection (a) of section 46a-70 of the general statutes is
930 repealed and the following is substituted in lieu thereof (*Effective*
931 *October 1, 2011*):

932 (a) State officials and supervisory personnel shall recruit, appoint,
933 assign, train, evaluate and promote state personnel on the basis of
934 merit and qualifications, without regard for race, color, religious creed,
935 sex, gender identity or expression, marital status, age, national origin,
936 ancestry, mental retardation, mental disability, learning disability or
937 physical disability, including but not limited to, blindness, unless it is
938 shown by such state officials or supervisory personnel that such
939 disability prevents performance of the work involved.

940 Sec. 30. Subsection (a) of section 46a-71 of the general statutes is
941 repealed and the following is substituted in lieu thereof (*Effective*
942 *October 1, 2011*):

943 (a) All services of every state agency shall be performed without
944 discrimination based upon race, color, religious creed, sex, gender
945 identity or expression, marital status, age, national origin, ancestry,
946 mental retardation, mental disability, learning disability or physical
947 disability, including, but not limited to, blindness.

948 Sec. 31. Subsection (b) of section 46a-72 of the general statutes is
949 repealed and the following is substituted in lieu thereof (*Effective*
950 *October 1, 2011*):

951 (b) Any job request indicating an intention to exclude any person
952 because of race, color, religious creed, sex, gender identity or
953 expression, marital status, age, national origin, ancestry, mental
954 retardation, mental disability, learning disability or physical disability,
955 including, but not limited to, blindness shall be rejected, unless it is
956 shown by such public or private employers that such disability
957 prevents performance of the work involved.

958 Sec. 32. Subsection (a) of section 46a-73 of the general statutes is
959 repealed and the following is substituted in lieu thereof (*Effective*
960 *October 1, 2011*):

961 (a) No state department, board or agency may grant, deny or revoke
962 the license or charter of any person on the grounds of race, color,
963 religious creed, sex, gender identity or expression, marital status, age,
964 national origin, ancestry, mental retardation, mental disability,
965 learning disability or physical disability, including, but not limited to,
966 blindness, unless it is shown by such state department, board or
967 agency that such disability prevents performance of the work
968 involved.

969 Sec. 33. Subsection (a) of section 46a-75 of the general statutes is
970 repealed and the following is substituted in lieu thereof (*Effective*
971 *October 1, 2011*):

972 (a) All educational, counseling, and vocational guidance programs
973 and all apprenticeship and on-the-job training programs of state
974 agencies, or in which state agencies participate, shall be open to all
975 qualified persons, without regard to race, color, religious creed, sex,
976 gender identity or expression, marital status, age, national origin,
977 ancestry, mental retardation, mental disability, learning disability or
978 physical disability, including, but not limited to, blindness.

979 Sec. 34. Subsection (a) of section 46a-76 of the general statutes is
980 repealed and the following is substituted in lieu thereof (*Effective*
981 *October 1, 2011*):

982 (a) Race, color, religious creed, sex, gender identity or expression,
983 marital status, age, national origin, ancestry, mental retardation,
984 mental disability, learning disability or physical disability, including,
985 but not limited to, blindness shall not be considered as limiting factors
986 in state-administered programs involving the distribution of funds to
987 qualify applicants for benefits authorized by law.

988 Sec. 35. Subsections (b) and (c) of section 52-571d of the general
989 statutes are repealed and the following is substituted in lieu thereof
990 (*Effective October 1, 2011*):

991 (b) No golf country club may deny membership in such club to any
992 person on account of race, religion, color, national origin, ancestry, sex,
993 gender identity or expression, marital status or sexual orientation.

994 (c) All classes of membership in a golf country club shall be
995 available without regard to race, religion, color, national origin,
996 ancestry, sex, gender identity or expression, marital status or sexual
997 orientation.

998 Sec. 36. Section 53-37a of the general statutes is repealed and the
999 following is substituted in lieu thereof (*Effective October 1, 2011*):

1000 Any person who, with the intent to subject, or cause to be subjected,
1001 any other person to the deprivation of any rights, privileges or
1002 immunities, secured or protected by the Constitution or laws of this
1003 state or of the United States, on account of religion, national origin,
1004 alienage, color, race, sex, gender identity or expression, sexual
1005 orientation, blindness or physical disability, violates the provisions of
1006 section 46a-58, as amended by this act, while wearing a mask, hood or
1007 other device designed to conceal the identity of such person shall be
1008 guilty of a class D felony.

1009 Sec. 37. (NEW) (*Effective October 1, 2011*) The provisions of
 1010 subsection (a) of section 4a-60, subsection (c) of section 8-169s, section
 1011 8-265c, subsection (c) of section 8-294, section 8-315, subsection (a) of
 1012 section 10-15c, section 10-153, subsection (b) of section 10a-6,
 1013 subsection (a) of section 11-24b, sections 16-245r and 16-247r,
 1014 subsection (b) of section 28-15, section 31-22p, subsection (e) of section
 1015 31-57e, sections 32-204, 32-277, 38a-358 and 42-125a, subsection (c) of
 1016 section 42-125b, subsection (a) of section 46a-58, subsection (a) of
 1017 section 46a-59, subsection (a) of section 46a-60, subsection (a) of section
 1018 46a-64, subsections (a) and (e) of section 46a-64c, subsection (a) of
 1019 section 46a-66, subsection (a) of section 46a-70, subsection (a) of section
 1020 46a-71, subsection (b) of section 46a-72, subsection (a) of section 46a-73,
 1021 subsection (a) of section 46a-75, subsection (a) of section 46a-76,
 1022 subsections (b) and (c) of section 52-571d and section 53-37a of the
 1023 general statutes, as amended by this act, that prohibit discrimination
 1024 on the basis of gender identity or expression shall not apply to a
 1025 religious corporation, entity, association, educational institution or
 1026 society with respect to the employment of individuals to perform work
 1027 connected with the carrying on by such corporation, entity,
 1028 association, educational institution or society of its activities, or with
 1029 respect to matters of discipline, faith, internal organization or
 1030 ecclesiastical rule, custom or law which are established by such
 1031 corporation, entity, association, educational institution or society.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	46a-51
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	4a-60(a)
Sec. 4	<i>October 1, 2011</i>	8-169s(c)
Sec. 5	<i>October 1, 2011</i>	8-265c
Sec. 6	<i>October 1, 2011</i>	8-294(c)
Sec. 7	<i>October 1, 2011</i>	8-315
Sec. 8	<i>October 1, 2011</i>	10-15c(a)
Sec. 9	<i>October 1, 2011</i>	10-153
Sec. 10	<i>October 1, 2011</i>	10a-6(b)

Sec. 11	<i>October 1, 2011</i>	11-24b(a)
Sec. 12	<i>October 1, 2011</i>	16-245r
Sec. 13	<i>October 1, 2011</i>	16-247r
Sec. 14	<i>October 1, 2011</i>	28-15(b)
Sec. 15	<i>October 1, 2011</i>	31-22p
Sec. 16	<i>October 1, 2011</i>	31-57e(e)
Sec. 17	<i>October 1, 2011</i>	32-204
Sec. 18	<i>October 1, 2011</i>	32-277
Sec. 19	<i>October 1, 2011</i>	38a-358
Sec. 20	<i>October 1, 2011</i>	42-125a
Sec. 21	<i>October 1, 2011</i>	42-125b(c)
Sec. 22	<i>October 1, 2011</i>	46a-58(a)
Sec. 23	<i>October 1, 2011</i>	46a-59(a)
Sec. 24	<i>October 1, 2011</i>	46a-60(a)
Sec. 25	<i>October 1, 2011</i>	46a-64(a)
Sec. 26	<i>October 1, 2011</i>	46a-64c(a)
Sec. 27	<i>October 1, 2011</i>	46a-64c(e)
Sec. 28	<i>October 1, 2011</i>	46a-66(a)
Sec. 29	<i>October 1, 2011</i>	46a-70(a)
Sec. 30	<i>October 1, 2011</i>	46a-71(a)
Sec. 31	<i>October 1, 2011</i>	46a-72(b)
Sec. 32	<i>October 1, 2011</i>	46a-73(a)
Sec. 33	<i>October 1, 2011</i>	46a-75(a)
Sec. 34	<i>October 1, 2011</i>	46a-76(a)
Sec. 35	<i>October 1, 2011</i>	52-571d(b) and (c)
Sec. 36	<i>October 1, 2011</i>	53-37a
Sec. 37	<i>October 1, 2011</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Judicial Dept.	GF - Potential Revenue Gain	5,000	5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits discrimination on the basis of gender identity or expression. This conforms statute to current practice for the Commission on Human Rights and Opportunities and does not result in a fiscal impact to the agency.

Sections 22 and 36 of the bill expand the definition of certain crimes involving the deprivation of rights to include a victim's gender identity or expression, which will result in a revenue gain to the General Fund of less than \$5,000. The estimate assumes that the establishment of a fine and/or imprisonment for this offense will increase the likelihood that an estimated less than 10 offenders annually would be prosecuted and receive harsher penalties than under current law.¹

It is anticipated that the number of additional offenders placed on probation would be less than 10, and would not result in additional resources being required by the Judicial Department. The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ Since 2003, there have been 15 offenses filed with the Superior Court for this offense.

House "A" clarified definitions and does not result in a fiscal impact.

OLR Bill Analysis**HB 6599 (as amended by House "A")******AN ACT CONCERNING DISCRIMINATION.*****SUMMARY:**

This bill explicitly prohibits discrimination on the basis of gender identity or expression in employment, public accommodations, the sale or rental of housing, the granting of credit, and other laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. It explicitly authorizes people to file discrimination complaints with CHRO, which enforces antidiscrimination laws in these areas. CHRO issued a declaratory ruling in 2000 that the prohibition against sex discrimination in the laws over which CHRO has jurisdiction covers discrimination on the basis of gender identity or expression (see BACKGROUND - Declaratory Ruling).

The bill defines "gender identity or expression" as a person's gender-related identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. The definition specifies that gender-related identity can be shown by providing evidence in various ways that include (1) medical history, (2) care or treatment of the gender-related identity, (3) consistent and uniform assertion of such an identity, or (4) any other evidence that the identity is sincerely held, part of a person's core identity, or that the person is not asserting such an identity for an improper purpose.

The bill gives CHRO jurisdiction to investigate complaints of discrimination on the basis of gender identity or expression against students by public schools (see BACKGROUND - Related Cases). It also allows CHRO to investigate this type of discrimination at private

golf country clubs.

The bill also prohibits discrimination on the basis of gender identity or expression in various other contexts beyond the scope of CHRO's declaratory ruling, including urban homesteading, public schools, boards of education, public libraries, electric suppliers, telephone or telecommunication providers, the employment codes that tribes must adopt to receive state services or funds, and discriminatory boycotts.

The bill specifies that its provisions prohibiting discrimination on the basis of gender identity or expression do not apply to religious corporations, entities, associations, educational institutions, or societies regarding (1) employment of people to perform work for them or (2) matters of discipline; faith; internal organization; or ecclesiastical rules, customs, or laws that they have established.

The bill makes it a class A misdemeanor to deprive someone of rights, privileges, or immunities secured or protected by the state or federal laws or constitutions because of the person's gender identity or expression. This crime is punishable by imprisonment for up to one year, a fine of up to \$ 2,000, or both. The bill makes it a class D felony for anyone to do so based on gender identity or expression while wearing a mask, hood, or other device designed to conceal his or her identity. A class D felony is punishable by imprisonment for up to five years, a fine of up to \$ 5,000, or both.

*House Amendment "A" adds to the definition of "gender identity or expression" the methods by which people can demonstrate their gender-related identity.

EFFECTIVE DATE: October 1, 2011

**DISCRIMINATION IN EMPLOYMENT, PUBLIC
ACCOMMODATIONS, HOUSING, CREDIT, AND OTHER AREAS
WITHIN SCOPE OF CHRO'S DECLARATORY RULING**

CHRO's 2000 declaratory ruling concluded CHRO has jurisdiction to investigate claims of discrimination on the basis of gender identity

or expression in employment, public accommodations, the sale or rental of property, and the extension of credit because they are covered under the prohibition against sex discrimination. The bill explicitly authorizes CHRO to investigate complaints of discrimination on the basis of gender identity or expression in these areas, including certain provisions beyond those specifically challenged in the petition leading to the declaratory ruling. The bill applies the same rules, procedures, and remedies that apply to other types of discrimination complaints, including the right to file a lawsuit if the investigation is not completed within a certain time.

§ 24 — Employment

The bill prohibits an employer or employer's agent, except in the case of a *bona fide* occupational qualification or need, from refusing to hire or employ someone; barring or discharging someone from employment; or discriminating against someone in pay or in employment terms, conditions, or privileges based on the individual's gender identity or expression. This prohibition applies to any employer, public or private, that employs three or more people. It applies to all employees except those employed by their parents, spouse, or children, or employed in domestic service.

The bill also prohibits the following kinds of employment discrimination based on gender identity or expression:

1. employment agencies failing or refusing to classify properly or refer for employment or otherwise discriminating against someone except in the case of a *bona fide* occupational qualification or need;
2. labor organizations excluding someone from full membership rights, expelling a member, or discriminating in any way against a member, employer, or employee, unless the action is due to a *bona fide* occupational qualification;
3. employers, employment agencies, labor organizations, or anyone

else taking adverse action against someone because he or she opposed a discriminatory employment practice, brought a complaint, or testified or assisted someone else in a complaint;

4. any person aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so;
5. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment and thus discriminates, except for a *bona fide* occupational qualification or need; and
6. employers, employment agencies, labor organizations, or any of their agents harassing an employee, person seeking employment, or member.

§ 25 — Public Accommodations

The bill prohibits anyone from denying someone, on the basis of gender identity or expression, full and equal accommodations in any public establishment (i.e., one that caters or offers its services, facilities, or goods to the general public), including any commercial property or building lot on which a commercial building will be built or offered for sale or rent, subject to lawful conditions and limitations that apply alike to all people. It further prohibits discriminating, segregating, or separating people on the basis of gender identity or expression. Violators are subject to a fine of between \$25 and \$100, up to 30 days' imprisonment, or both.

§§ 26-27 — Housing

The bill prohibits the following kinds of housing discrimination based on gender identity or expression:

1. refusing to sell or rent after a person makes a *bona fide* offer, or refusing to negotiate for the sale or rental of a dwelling, or otherwise denying or making a dwelling unavailable;

2. discriminating in the terms, conditions, or privileges of a dwelling's sale or rental, or in the provision of services or facilities in connection with the sale or rental;
3. making, printing, publishing, or causing this to be done, any notice, statement, or advertisement concerning the sale or rental of a dwelling that indicates a preference, limitation, or discrimination, or an intention to make such a preference, limitation, or discrimination;
4. falsely representing to someone that a dwelling is not available for inspection, sale, or rental (this includes restricting or attempting to restrict someone's choices to buy or rent a dwelling (a) to an area substantially populated, even if less than a majority, by other persons of the same gender identity or expression, (b) by a person authorized to offer for sale or rent another dwelling which meets the buyer's or renter's expressed housing criteria, and (c) that other dwelling is in an area not substantially populated by people of the same gender identity or expression as the buyer or renter);
5. for profit, inducing or attempting to induce someone to sell or rent a dwelling by representing that people of a particular gender identity or expression are moving, or may move, into the neighborhood;
6. any person or entity engaging in residential real estate transactions discriminating in (a) making a transaction available or (b) its terms or conditions;
7. denying someone access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminating in the terms or conditions of such access, membership, or participation; and
8. coercing, intimidating, threatening, or interfering with someone

in the exercise or enjoyment of, or on account of the person having exercised, enjoyed, or aided or encouraged someone else in the exercise or enjoyment of, these rights.

Violators are subject to a fine of between \$25 and \$100, up to 30 days' imprisonment, or both.

The law's prohibitions on housing discrimination do not apply to either of the following, if the owner maintains his or her residence there: (1) renting a room or rooms in a single-family dwelling unit or (2) a unit in a two-family dwelling.

The bill also makes a conforming change by specifying that it does not prohibit a property appraiser from considering factors other than gender identity or expression or other specified impermissible factors.

§ 28 — Credit

The bill prohibits a creditor from discriminating against any adult in a credit transaction on the basis of gender identity or expression.

Other Areas Subject to CHRO's Jurisdiction

CHRO's declaratory ruling also determined that CHRO has jurisdiction to investigate claims of discrimination based on gender identity or expression under other laws over which CHRO has jurisdiction. The bill gives CHRO the explicit authority to investigate such complaints under these other laws. Specifically, it:

1. subjects any professional or trade association, board, or other organization whose profession, trade, or occupation requires a state license, to a fine of \$100 to \$500 for denying a person membership because of his or her gender identity or expression (§ 23);
2. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel on the basis of merit and qualifications, without regard to gender identity or expression (§ 29);

3. requires state agency services to be performed without discrimination based on gender identity or expression (§ 30);
4. requires any state agency that provides employment referrals or placement services to public or private employers to reject any job request that indicates an intention to exclude anyone based on his or her gender identity or expression (§ 31);
5. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds of gender identity or expression (§ 32);
6. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, to be open to all qualified persons, without regard to gender identity or expression (§ 33); and
7. prohibits gender identity or expression from being considered as limiting factors in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law, and prohibits the state from giving financial assistance to public agencies, private institutions, or other organizations which discriminate on this basis (§ 34).

§§ 8, 9 & 22 — DISCRIMINATION AGAINST STUDENTS IN PUBLIC SCHOOLS

The bill requires public schools to be open to all children and to give them an equal opportunity to participate in the activities, programs, and courses of study the schools offer without discrimination on account of gender identity or expression. It also prohibits boards of education from discriminating on the basis of gender identity or expression in employing or paying teachers.

Under current law, it is a discriminatory practice for anyone to deprive another person of any rights, privileges, or immunities, secured or protected by Connecticut or federal laws or constitutions, or

cause such a deprivation, because of religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability. The bill adds gender identity or expression to this list. By doing so, and by prohibiting discrimination against students on the basis of gender identity or expression in public schools with respect to activities, programs, and courses of study, the bill authorizes CHRO to investigate claims of discrimination against students on the basis of gender identity or expression by public schools (see BACKGROUND – Related Cases).

§§ 3-7, 10-19, & 35 — DISCRIMINATION IN OTHER CONTEXTS

The bill also prohibits discrimination on the basis of gender identity or expression in various other contexts beyond the scope of CHRO's declaratory ruling. Specifically, it:

1. requires every contract to which the state or any political subdivision of the state, other than a municipality, is a party to require the contractor to (a) agree that, in performing the contract, he or she will not unlawfully discriminate or permit discrimination on the grounds of gender identity or expression and (b) agree to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated without regard to their gender identity or expression (§ 3);
2. requires that contracts transferring urban homesteading property provide, among other things, that in the sale or rental of such property, no person be discriminated against on the basis of gender identity or expression (§ 4);
3. requires the Connecticut Housing Finance Authority to require that occupancy of all housing it finances or otherwise assists be open to all people regardless of gender identity or expression and that the contractors and subcontractors engaged in building or rehabilitating such housing take affirmative action to provide equal opportunity for employment without discrimination as to

- gender identity or expression (§ 5);
4. requires transfers of urban rehabilitation property by legislative bodies to be made through a contract that provides, among other things, that in the sale or rental of such property, people may not be discriminated against because of their gender identity or expression (§ 6);
 5. requires municipalities to take all necessary steps to ensure that occupancy of all housing financed or otherwise assisted under the Municipal Housing Finance Assistance Act be open to all people regardless of gender identity or expression (§ 7);
 6. requires, within the limits of authorized expenditures, that the policies of the state system of higher education be consistent with the goal of ensuring that no qualified person is denied the opportunity for higher education because of gender identity or expression (§ 10);
 7. conditions a public library's state grant eligibility on the library providing equal access to library services and not discriminating on the basis of gender identity or expression, among other requirements (§ 11);
 8. prohibits electric suppliers from refusing to provide electric generation services, or refusing to negotiate to provide such services, to any customer because of gender identity or expression (§ 12);
 9. prohibits telephone companies or certified telecommunications providers from refusing to provide telecommunications services, or refusing to negotiate to provide such services, to any customer because of gender identity or expression (§ 13);
 10. prohibits anyone from discriminating on the basis of gender identity or expression in carrying out any civil preparedness or federal major disaster or emergency assistance function (§ 14);

11. requires the labor commissioner to formulate apprenticeship work training standards and a full craft experience in any skill, in order to provide equal opportunities to all, without regard to gender identity or expression (§ 15);
12. requires that the employment rights code tribes must adopt in order to receive certain state services or funds to include a provision that a commercial enterprise subject to tribal jurisdiction must not, except for a *bona fide* occupational qualification or need, refuse to hire or employ, or bar or discharge from employment, any individual or discriminate against him or her in compensation or in employment terms, conditions, or privileges because of the individual's gender identity or expression (§ 16);
13. requires the Lower Fairfield County Conference or Exhibition Authority to adopt procedures for contractors and subcontractors engaged in building the Stamford conference or exhibition facility project that require them to take affirmative action to provide equal opportunity for employment without discrimination based on gender identity or expression (§ 17);
14. requires applicants for financial assistance from a regional corporation to certify that they will not discriminate against any employee or job applicant because of gender identity or expression (a regional corporation provides financial assistance to businesses for projects that demonstrate a substantial likelihood of providing increases in net new permanent jobs or retaining jobs in businesses that need such financial assistance to remain viable) (§ 18);
15. prohibits auto insurance companies from declining, canceling, or refusing to renew auto insurance policies solely on the basis of gender identity or expression, unless the company is part of an insurer group and another member of the group would not decline a similar application on this basis (§ 19); and

16. prohibits golf country clubs from denying membership on the basis of gender identity or expression and requires that all classes of membership be available without regard to gender identity or expression (§ 35).

§§ 20, 21 — Discriminatory Boycotts

The bill extends the state policy to oppose discriminatory boycotts, not specifically authorized by federal law, which are fostered or imposed by foreign persons, foreign governments, or international organizations, to include any such boycott against any domestic individual on the basis of gender identity or expression.

By law, “participating in a discriminatory boycott” includes entering into or performing an agreement, understanding, or contractual arrangement for economic benefit by a person with a foreign government, foreign person, or international organization, not specifically authorized by federal law, in order to restrict, condition, prohibit, or interfere with any business relationship in Connecticut on the basis of a domestic individual’s gender identity or expression.

For these purposes, domestic individuals include people and businesses whose residence, domicile, or principal place of business is in Connecticut or who do business in Connecticut.

BACKGROUND

CHRO Declaratory Ruling

On January 31, 2000, CHRO received a petition seeking a ruling that the statutory prohibitions against discrimination on the basis of sex encompass discrimination based upon a person’s apparent gender, specifically discrimination against transsexual individuals. The request asked that CHRO find such prohibitions in CGS §§ 46a-60(a)(1) (employment discrimination), 46a-64(a)(1) (public accommodations), 46a-64c(a)(1) (housing discrimination), and 46a-66(a) (credit discrimination).

In response to the request, CHRO issued a declaratory ruling on

November 9, 2000, that transsexuals, as defined in the ruling, are covered by these statutes. It also stated in footnote 13 of the ruling that the ruling should be understood to apply uniformly to all other sex discrimination laws over which CHRO has jurisdiction.

Related Cases

In a case decided before CHRO issued its declaratory ruling, a Superior Court judge ruled that Connecticut's prohibition against harassment on the basis of sex did not extend to transsexuals (*Conway v. City of Hartford*, 1997 WL 78585 *7, No. CV-95-0553003, J.D. of Hartford-New Britain at Hartford (February 4, 1997) (Hale, J.R.) (unreported)). In its declaratory ruling, CHRO noted that although it normally looks to Superior Court decisions for guidance in interpreting the laws it enforces, especially in the absence of any other state precedent, it is not required to do so. In its ruling, CHRO also noted that *Conway* recognizes that transsexuals may properly pursue claims of discrimination based on mental disorder. But CHRO declined to issue a ruling on that issue in its declaratory ruling.

In a recent unreported Superior Court case, the complainant and CHRO challenged the CHRO referee's ruling dismissing the claims of the complainant, a transgendered woman, against her employer, a police department. The court sent the matter back to CHRO after determining that the CHRO referee erred in dismissing her claims. The court determined that among other issues, the CHRO referee incorrectly relied on *Conway* in concluding that the complainant could not pursue a claim of discrimination based on physical disability. The court cited the CHRO's declaratory ruling, among other factors (*Commission on Human Rights and Opportunities v. City of Hartford*, 2010 Conn. Super. LEXIS 2727, CV094019485S, J.D. of New Britain (Oct. 27, 2010) (unreported)).

In another case, the state Supreme Court held that CHRO has jurisdiction to investigate claims of racial discrimination filed by students against a public school because CGS § 46a-58 prohibits racial discrimination, and CGS § 10-15c makes public schools open to all

students without discrimination on the basis of race (*Commission on Human Rights and Opportunities v. Board of Education*, 270 Conn. 665 (2004)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 27 Nay 14 (04/05/2011)