

By: Farrar

H.B. No. 1522

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain discrimination based on sexual orientation or gender identity or expression.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100B to read as follows:

CHAPTER 100B. LIABILITY ARISING FROM DISCRIMINATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 100B.001. DEFINITIONS. In this chapter:

(1) "Aggrieved person" includes any person who:

(A) claims to have been injured by a discriminatory practice; or

(B) believes that he or she will be injured by a discriminatory practice that is about to occur.

(2) "Discriminatory practice" means an act prohibited by this chapter.

(3) "Gender identity or expression" means having or being perceived as having gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that commonly associated with the person's actual or perceived sex.

(4) "Public accommodation" means a business or other entity that offers to the general public food, shelter, recreation, or amusement, or any other goods, service, privilege, facility, or

1 accommodation.

2 (5) "Religious organization" means:

3 (A) a religious corporation, association, or
4 society; or

5 (B) a school, institution of higher education, or
6 other educational institution, not otherwise a religious
7 organization, that:

8 (i) is wholly or substantially controlled,
9 managed, owned, or supported by a religious organization; or

10 (ii) has a curriculum directed toward the
11 propagation of a particular religion.

12 (6) "Sexual orientation" means the actual or perceived
13 sexuality of an individual.

14 Sec. 100B.002. APPLICABILITY OF CHAPTER. (a) Except as
15 provided by Subsection (b), this chapter does not apply to a
16 religious organization.

17 (b) This chapter applies to activities conducted by a
18 religious organization for profit to the extent that those
19 activities are subject to federal taxation under Section 511(a),
20 Internal Revenue Code of 1986, as that section existed on September
21 1, 2015.

22 SUBCHAPTER B. DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED

23 Sec. 100B.051. PUBLIC ACCOMMODATIONS. (a) Except as
24 provided by Subsection (b), a person commits a discriminatory
25 practice and violates this chapter if the person, because of the
26 sexual orientation or gender identity or expression of an
27 individual:

1 (1) denies that individual full and equal
2 accommodations in any place of public accommodation in this state,
3 subject only to the conditions and limitations established by law
4 and applicable to all persons; or

5 (2) otherwise discriminates against or segregates or
6 separates the individual based on sexual orientation or gender
7 identity or expression.

8 (b) A person does not commit a discriminatory practice or
9 violate this chapter under Subsection (a) if segregation or
10 separation of an individual is necessary to provide a service that:

11 (1) provides acceptance, support, and understanding
12 to the individual;

13 (2) assists the individual with coping with the
14 individual's sexual orientation or gender identity or expression,
15 maintaining social support, and exploring and identifying the
16 individual's identity; or

17 (3) provides support to an individual undergoing a
18 gender transition.

19 (c) The services described by Subsection (b)(2) include a
20 sexual orientation-neutral intervention for preventing or
21 addressing unlawful conduct or unsafe sexual practices if the
22 intervention does not seek to change the individual's sexual
23 orientation or gender identity or expression.

24 SUBCHAPTER C. CAUSE OF ACTION

25 Sec. 100B.101. CIVIL ACTION. An aggrieved person may file a
26 civil action in district court not later than the second
27 anniversary of the occurrence of the termination of an alleged

1 discriminatory practice under this chapter to obtain appropriate
2 relief with respect to the discriminatory practice.

3 Sec. 100B.102. RELIEF GRANTED. In an action under this
4 subchapter, if the court finds that a discriminatory practice has
5 occurred or is about to occur, the court may award to the plaintiff:

6 (1) actual and punitive damages;

7 (2) reasonable attorney's fees;

8 (3) court costs; and

9 (4) any permanent or temporary injunction, temporary
10 restraining order, or other order, including an order enjoining the
11 defendant from engaging in the practice or ordering other
12 appropriate action.

13 SECTION 2. This Act takes effect September 1, 2015.