86R10289 LED-D

By:  Menéndez S.B. No. 888

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain discrimination in places of public accommodation.

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 an individual's actual or perceived gender-related identity, appearance, expression, or behavior, regardless of whether that identity, appearance, expression, or behavior is different from that commonly associated with the individual's sex as designated at birth.

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

(5)  "Religious organization" means:

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

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

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

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

(6)  "Sexual orientation" means the actual or perceived status of an individual with respect to the individual's sexuality.

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

(b)  This chapter applies to activities conducted by a religious organization for profit to the extent that those activities are subject to federal taxation under Section 511(a), Internal Revenue Code of 1986, as that section existed on September 1, 2019.

SUBCHAPTER B. DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED

Sec. 100B.051.  PUBLIC ACCOMMODATIONS. (a) Except as provided by Subsection (b), a person engages in a discriminatory practice and violates this chapter if the person, because of the race, color, disability, religion, sex, national origin, age, sexual orientation, or gender identity or expression of an individual:

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

(2)  otherwise discriminates against or segregates or separates the individual in a place of public accommodation based on race, color, disability, religion, sex, national origin, age, sexual orientation, or gender identity or expression.

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

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

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

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

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

SUBCHAPTER C. CAUSE OF ACTION

Sec. 100B.101.  CIVIL ACTION. An aggrieved person may file a civil action in district court not later than the second anniversary of the occurrence of the termination of an alleged discriminatory practice under this chapter to obtain appropriate relief with respect to the discriminatory practice.

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

(1)  actual and punitive damages;

(2)  reasonable attorney's fees;

(3)  court costs; and

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

SECTION 2.  The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law applicable to the cause of action immediately before that date, and that law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.