

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

1 amusement, or any other good, service, privilege, facility, or
2 accommodation.

3 (5) "Religious organization" means:

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

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

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

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

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

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

18 (b) This chapter applies to activities conducted by a
19 religious organization for profit to the extent that those
20 activities are subject to federal taxation under Section 511(a),
21 Internal Revenue Code of 1986, as that section existed on September
22 1, 2019.

23 SUBCHAPTER B. DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED

24 Sec. 100B.051. PUBLIC ACCOMMODATIONS. (a) Except as
25 provided by Subsection (b), a person engages in a discriminatory
26 practice and violates this chapter if the person, because of the
27 race, color, disability, religion, sex, national origin, age,

1 sexual orientation, or gender identity or expression of an
2 individual:

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

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

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

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

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

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

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

1 SUBCHAPTER C. CAUSE OF ACTION

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

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

10 (1) actual and punitive damages;

11 (2) reasonable attorney's fees;

12 (3) court costs; and

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

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

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