

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 313 Session of 2021

INTRODUCED BY BROWNE, MARCH 10, 2021

REFERRED TO LABOR AND INDUSTRY, MARCH 10, 2021

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled
 2 "An act prohibiting certain practices of discrimination
 3 because of race, color, religious creed, ancestry, age or
 4 national origin by employers, employment agencies, labor
 5 organizations and others as herein defined; creating the
 6 Pennsylvania Human Relations Commission in the Governor's
 7 Office; defining its functions, powers and duties; providing
 8 for procedure and enforcement; providing for formulation of
 9 an educational program to prevent prejudice; providing for
 10 judicial review and enforcement and imposing penalties,"
 11 further providing for the title of the act, for findings and
 12 declaration of policy, for right to freedom from
 13 discrimination in employment, housing and public
 14 accommodation, for definitions, for unlawful discriminatory
 15 practices and for prohibition of certain real estate
 16 practices; providing for protection of religious exercise;
 17 and further providing for powers and duties of commission,
 18 for educational program and for construction and
 19 exclusiveness of remedy.

20 The General Assembly of the Commonwealth of Pennsylvania
 21 hereby enacts as follows:

22 Section 1. The title and sections 2 and 3 of the act of
 23 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
 24 Human Relations Act, are amended to read:

25 AN ACT

26 Prohibiting certain practices of discrimination because of race,
 27 color, religious creed, ancestry, sex, sexual orientation,

1 gender identity or expression, age or national origin by
2 employers, employment agencies, labor organizations and
3 others as herein defined; creating the Pennsylvania Human
4 Relations Commission in the Governor's Office; defining its
5 functions, powers and duties; providing for procedure and
6 enforcement; providing for formulation of an educational
7 program to prevent prejudice; providing for judicial review
8 and enforcement and imposing penalties.

9 Section 2. Findings and Declaration of Policy.--

10 (a) The practice or policy of discrimination against
11 individuals or groups by reason of their race, color, familial
12 status, religious creed, ancestry, age, sex, sexual orientation,
13 gender identity or expression, national origin, handicap or
14 disability, use of guide or support animals because of the
15 blindness, deafness or physical handicap of the user or because
16 the user is a handler or trainer of support or guide animals is
17 a matter of concern of the Commonwealth. Such discrimination
18 foments domestic strife and unrest, threatens the rights and
19 privileges of the inhabitants of the Commonwealth, and
20 undermines the foundations of a free democratic state. The
21 denial of equal employment, housing and public accommodation
22 opportunities because of such discrimination, and the consequent
23 failure to utilize the productive capacities of individuals to
24 their fullest extent, deprives large segments of the population
25 of the Commonwealth of earnings necessary to maintain decent
26 standards of living, necessitates their resort to public relief
27 and intensifies group conflicts, thereby resulting in grave
28 injury to the public health and welfare, compels many
29 individuals to live in dwellings which are substandard,
30 unhealthful and overcrowded, resulting in racial segregation in

1 public schools and other community facilities, juvenile
2 delinquency and other evils, thereby threatening the peace,
3 health, safety and general welfare of the Commonwealth and its
4 inhabitants. Public policies, reflecting an open and welcoming
5 environment and ensuring equal opportunity, foster economic
6 growth and prosperity which benefit the inhabitants of this
7 Commonwealth. Conversely, the absence of nondiscrimination
8 protections hinders efforts to recruit and retain the diversity
9 of talented individuals and successful enterprises required for
10 a thriving economy and strong public sector on which the
11 inhabitants of this Commonwealth depend.

12 (b) It is hereby declared to be the public policy of this
13 Commonwealth to foster the employment of all individuals in
14 accordance with their fullest capacities regardless of their
15 race, color, religious creed, ancestry, age, sex, sexual
16 orientation, gender identity or expression, national origin,
17 handicap or disability, use of guide or support animals because
18 of the blindness, deafness or physical handicap of the user or
19 because the user is a handler or trainer of support or guide
20 animals, and to safeguard their right to obtain and hold
21 employment without such discrimination, to assure equal
22 opportunities to all individuals and to safeguard their rights
23 to public accommodation and to secure housing accommodation and
24 commercial property regardless of race, color, familial status,
25 religious creed, ancestry, age, sex, sexual orientation, gender
26 identity or expression, national origin, handicap or disability,
27 use of guide or support animals because of blindness or deafness
28 of the user or because the user is a handler or trainer of guide
29 or support animals.

30 (c) This act shall be deemed an exercise of the police power

1 of the Commonwealth for the protection of the public welfare,
2 prosperity, health and peace of the people of the Commonwealth
3 of Pennsylvania.

4 Section 3. Right to Freedom from Discrimination in
5 Employment, Housing and Public Accommodation.--The opportunity
6 for an individual to obtain employment for which he is
7 qualified, and to obtain all the accommodations, advantages,
8 facilities and privileges of any public accommodation and of any
9 housing accommodation and commercial property without
10 discrimination because of race, color, familial status,
11 religious creed, ancestry, handicap or disability, age, sex,
12 sexual orientation, gender identity or expression, national
13 origin, the use of a guide or support animal because of the
14 blindness, deafness or physical handicap of the user or because
15 the user is a handler or trainer of support or guide animals is
16 hereby recognized as and declared to be a civil right which
17 shall be enforceable as set forth in this act.

18 Section 2. Sections 4(b) and 5(a), (b), (c), (f), (g), (h)
19 and (i) of the act are amended and the sections are amended by
20 adding subsections to read:

21 Section 4. Definitions.--As used in this act unless a
22 different meaning clearly appears from the context:

23 * * *

24 (b) The term "employer" includes the Commonwealth or any
25 political subdivision or board, department, commission or school
26 district thereof and any person employing four or more persons
27 within the Commonwealth, but except as hereinafter provided,
28 does not include religious, fraternal, charitable or sectarian
29 corporations or associations, except such corporations or
30 associations supported, in whole or in part, by governmental

1 appropriations. The term "employer" with respect to
2 discriminatory practices based on race, color, age, sex, sexual
3 orientation, gender identity or expression, national origin or
4 non-job related handicap or disability, includes religious,
5 fraternal, charitable and sectarian corporations and
6 associations employing four or more persons within the
7 Commonwealth.

8 * * *

9 (bb) The term "sexual orientation" means heterosexuality,
10 homosexuality or bisexuality.

11 (cc) The term "gender identity or expression" means the
12 gender-related identity, appearance, mannerisms, expression or
13 other gender-related characteristics of an individual regardless
14 of the individual's designated sex at birth.

15 Section 5. Unlawful Discriminatory Practices.--It shall be
16 an unlawful discriminatory practice, unless based upon a bona
17 fide occupational qualification, or in the case of a fraternal
18 corporation or association, unless based upon membership in such
19 association or corporation, or except where based upon
20 applicable security regulations established by the United States
21 or the Commonwealth of Pennsylvania:

22 (a) For any employer because of the race, color, religious
23 creed, ancestry, age, sex, sexual orientation, gender identity
24 or expression, national origin or non-job related handicap or
25 disability or the use of a guide or support animal because of
26 the blindness, deafness or physical handicap of any individual
27 or independent contractor, to refuse to hire or employ or
28 contract with, or to bar or to discharge from employment such
29 individual or independent contractor, or to otherwise
30 discriminate against such individual or independent contractor

1 with respect to compensation, hire, tenure, terms, conditions or
2 privileges of employment or contract, if the individual or
3 independent contractor is the best able and most competent to
4 perform the services required. The [provision] provisions of
5 this paragraph shall not apply, to (1) operation of the terms or
6 conditions of any bona fide retirement or pension plan which
7 have the effect of a minimum service requirement, (2) operation
8 of the terms or conditions of any bona fide group or employe
9 insurance plan, (3) age limitations placed upon entry into bona
10 fide apprenticeship programs of two years or more approved by
11 the State Apprenticeship and Training Council of the Department
12 of Labor and Industry, established by the act of July 14, 1961
13 (P.L.604, No.304), known as "The Apprenticeship and Training
14 Act." Notwithstanding any provision of this clause, it shall not
15 be an unlawful employment practice for a religious corporation
16 or association to hire or employ on the basis of sex in those
17 certain instances where sex is a bona fide occupational
18 qualification because of the religious beliefs, practices, or
19 observances of the corporation, or association. Except as
20 otherwise required by law, it is not an unlawful discriminatory
21 practice based on race, color, religious creed, ancestry, age,
22 sexual orientation, gender identity or expression or national
23 origin under this act to fail or refuse to construct new or
24 additional facilities.

25 (b) For any employer, employment agency or labor
26 organization, prior to the employment, contracting with an
27 independent contractor or admission to membership, to:

28 (1) Elicit any information or make or keep a record of or
29 use any form of application or application blank containing
30 questions or entries concerning the race, color, religious

1 creed, ancestry, age, sex, sexual orientation, gender identity
2 or expression, national origin, past handicap or disability or
3 the use of a guide or support animal because of the blindness,
4 deafness or physical handicap of any applicant for employment or
5 membership. Prior to an offer of employment, an employer may not
6 inquire as to whether an individual has a handicap or disability
7 or as to the severity of such handicap or disability. An
8 employer may inquire as to the individual's ability to perform
9 the essential functions of the employment.

10 (2) Print or publish or cause to be printed or published any
11 notice or advertisement relating to employment or membership
12 indicating any preference, limitation, specification or
13 discrimination based upon race, color, religious creed,
14 ancestry, age, sex, sexual orientation, gender identity or
15 expression, national origin, non-job related handicap or
16 disability or the use of a guide or support animal because of
17 the blindness, deafness or physical handicap of the user.

18 (3) Deny or limit, through a quota system, employment or
19 membership because of race, color, religious creed, ancestry,
20 age, sex, sexual orientation, gender identity or expression,
21 national origin, non-job related handicap or disability, the use
22 of a guide or support animal because of the blindness, deafness
23 or physical handicap of the user or place of birth.

24 (4) Substantially confine or limit recruitment or hiring of
25 individuals, with intent to circumvent the spirit and purpose of
26 this act, to any employment agency, employment service, labor
27 organization, training school or training center or any other
28 employe-referring source which services individuals who are
29 predominantly of the same race, color, religious creed,
30 ancestry, age, sex, sexual orientation, gender identity or

1 expression, national origin or non-job related handicap or
2 disability.

3 (5) Deny employment because of a prior handicap or
4 disability.

5 Nothing in clause (b) of this section shall bar any
6 institution or organization for handicapped or disabled persons
7 from limiting or giving preference in employment or membership
8 to handicapped or disabled persons.

9 (c) For any labor organization because of the race, color,
10 religious creed, ancestry, age, sex, sexual orientation, gender
11 identity or expression, national origin, non-job related
12 handicap or disability or the use of a guide or support animal
13 because of the blindness, deafness or physical handicap of any
14 individual to deny full and equal membership rights to any
15 individual or otherwise to discriminate against such individuals
16 with respect to hire, tenure, terms, conditions or privileges of
17 employment or any other matter, directly or indirectly, related
18 to employment.

19 * * *

20 (f) For any employment agency to fail or refuse to classify
21 properly, refer for employment or otherwise to discriminate
22 against any individual because of his race, color, religious
23 creed, ancestry, age, sex, sexual orientation, gender identity
24 or expression, national origin, non-job related handicap or
25 disability or the use of a guide or support animal because of
26 the blindness, deafness or physical handicap of the user.

27 (g) For any individual seeking employment to publish or
28 cause to be published any advertisement which in any manner
29 expresses a limitation or preference as to the race, color,
30 religious creed, ancestry, age, sex, sexual orientation, gender

1 identity or expression, national origin, non-job related
2 handicap or disability or the use of a guide or support animal
3 because of the blindness, deafness or physical handicap of any
4 prospective employer.

5 (h) For any person to:

6 (1) Refuse to sell, lease, finance or otherwise to deny or
7 withhold any housing accommodation or commercial property from
8 any person because of the race, color, familial status, age,
9 religious creed, ancestry, sex, sexual orientation, gender
10 identity or expression, national origin or handicap or
11 disability of any person, prospective owner, occupant or user of
12 such housing accommodation or commercial property, or to refuse
13 to lease any housing accommodation or commercial property to any
14 person due to use of a guide animal because of the blindness or
15 deafness of the user, use of a support animal because of a
16 physical handicap of the user or because the user is a handler
17 or trainer of support or guide animals or because of the
18 handicap or disability of an individual with whom the person is
19 known to have a relationship or association.

20 (1.1) Evict or attempt to evict an occupant of any housing
21 accommodation before the end of the term of a lease because of
22 pregnancy or the birth of a child.

23 (2) Refuse to lend money, whether or not secured by mortgage
24 or otherwise for the acquisition, construction, rehabilitation,
25 repair or maintenance of any housing accommodation or commercial
26 property or otherwise withhold financing of any housing
27 accommodation or commercial property from any person because of
28 the race, color, familial status, age, religious creed,
29 ancestry, sex, sexual orientation, gender identity or
30 expression, national origin, handicap or disability of any

1 person, the use of a guide or support animal because of the
2 blindness, deafness or physical handicap of the user or because
3 the user is a handler or trainer of support or guide animals or
4 because of the handicap or disability of an individual with whom
5 the person is known to have a relationship or association.

6 (3) Discriminate against any person in the terms or
7 conditions of selling or leasing any housing accommodation or
8 commercial property or in furnishing facilities, services or
9 privileges in connection with the ownership, occupancy or use of
10 any housing accommodation or commercial property because of the
11 race, color, familial status, age, religious creed, ancestry,
12 sex, sexual orientation, gender identity or expression, national
13 origin, handicap or disability of any person, the use of a guide
14 or support animal because of the blindness, deafness or physical
15 handicap of the user or because the user is a handler or trainer
16 of support or guide animals or because of the handicap or
17 disability of an individual with whom the person is known to
18 have a relationship or association.

19 (3.1) Refuse to permit, at the expense of a person with a
20 handicap, reasonable modifications of existing premises occupied
21 or to be occupied by such person if such modifications may be
22 necessary to afford such person full enjoyment of the premises,
23 except that, in the case of a rental, the landlord may, where it
24 is reasonable to do so, grant permission for a modification if
25 the renter agrees to restore the interior of the premises to the
26 condition that existed before the modification, with reasonable
27 wear and tear excepted.

28 (3.2) Refuse to make reasonable accommodations in rules,
29 policies, practices or services when such accommodations may be
30 necessary to afford such person equal opportunity to use and

1 enjoy a housing accommodation.

2 (4) Discriminate against any person in the terms or
3 conditions of any loan of money, whether or not secured by
4 mortgage or otherwise for the acquisition, construction,
5 rehabilitation, repair or maintenance of housing accommodation
6 or commercial property because of the race, color, familial
7 status, age, religious creed, ancestry, sex, sexual orientation,
8 gender identity or expression, national origin or handicap or
9 disability of any person, the use of a guide or support animal
10 because of the blindness, deafness or physical handicap of the
11 user or because the user is a handler or trainer of guide or
12 support animals or because of the handicap or disability of an
13 individual with whom the person is known to have a relationship
14 or association.

15 (5) Print, publish or circulate any statement or
16 advertisement: (i) relating to the sale, lease or acquisition of
17 any housing accommodation or commercial property or the loan of
18 money, whether or not secured by mortgage, or otherwise for the
19 acquisition, construction, rehabilitation, repair or maintenance
20 of any housing accommodation or commercial property which
21 indicates any preference, limitation, specification, or
22 discrimination based upon race, color, familial status, age,
23 religious creed, ancestry, sex, sexual orientation, gender
24 identity or expression, national origin, handicap or disability
25 or because of the handicap or disability of an individual with
26 whom the person is known to have a relationship or association,
27 or (ii) relating to the sale, lease or acquisition of any
28 housing accommodation or commercial property which indicates any
29 preference, limitation, specification or discrimination based
30 upon use of a guide or support animal because of the blindness,

1 deafness or physical handicap of the user or because the user is
2 a handler or trainer of support or guide animals.

3 (6) Make any inquiry, elicit any information, make or keep
4 any record or use any form of application, containing questions
5 or entries concerning race, color, familial status, age,
6 religious creed, ancestry, sex, sexual orientation, gender
7 identity or expression, national origin, handicap or disability
8 or because of the handicap or disability of an individual with
9 whom the person is known to have a relationship or association
10 in connection with the sale or lease of any housing
11 accommodation or commercial property or loan of any money,
12 whether or not secured by mortgage or otherwise for the
13 acquisition, construction, rehabilitation, repair or maintenance
14 of any housing accommodation or commercial property, or to make
15 any inquiry, elicit any information, make or keep any record or
16 use any form of application, containing questions or entries
17 concerning the use of a guide or support animal because of the
18 blindness, deafness or physical handicap of the user or because
19 the user is a handler or trainer of support or guide animals, in
20 connection with the lease of any housing accommodation or
21 commercial property.

22 (7) Construct, operate, offer for sale, lease or rent or
23 otherwise make available housing or commercial property which is
24 not accessible.

25 (8) Discriminate in real estate-related transactions, as
26 described by and subject to the following:

27 (i) It shall be unlawful for any person or other entity
28 whose business includes engaging in real estate-related
29 transactions to discriminate against any person in making
30 available such a transaction or in the terms or conditions of

1 such a transaction because of race, color, religious creed,
2 ancestry, national origin, sex, sexual orientation, gender
3 identity or expression, age, handicap or disability, use of a
4 guide or support animal because of a physical handicap or
5 because the user is a handler or trainer of guide or support
6 animals or familial status.

7 (ii) Nothing in this act prohibits a person engaged in the
8 business of furnishing appraisals of real property to take into
9 consideration factors other than race, color, religious creed,
10 ancestry, national origin, sex, sexual orientation, gender
11 identity or expression, age, handicap or disability, use of a
12 guide or support animal because of a physical handicap or
13 because the user is a handler or trainer of guide or support
14 animals or familial status.

15 (9) Nothing in this clause, regarding age or familial
16 status, shall apply with respect to housing for older persons. A
17 person shall not be held personally liable for monetary damages
18 for a violation of this act if the person reasonably relied, in
19 good faith, on the application of the exemption of this
20 subclause. A person may only prove good faith reliance on the
21 application of the exemption of this subclause by proving that
22 at the time of the act complained of all of the following
23 applied:

24 (i) The person had no actual knowledge that the housing was
25 not eligible for exemption under this subclause.

26 (ii) The owner or manager of the housing had stated
27 formally, in writing, that the housing complied with the
28 requirements for exemption under this subclause.

29 (10) Nothing in this clause shall bar any religious or
30 denominational institution or organization or any charitable or

1 educational organization which is operated, supervised or
2 controlled by or in connection with a religious organization or
3 any bona fide private or fraternal organization from giving
4 preference to persons of the same religion or denomination or to
5 members of such private or fraternal organization or from making
6 such selection as is calculated by such organization to promote
7 the religious principles or the aims, purposes or fraternal
8 principles for which it is established or maintained. Nor shall
9 it apply to the rental of rooms in a landlord-occupied rooming
10 house with a common entrance, nor with respect to discrimination
11 based on sex, the advertising, rental or leasing of housing
12 accommodations in a single-sex dormitory or rooms in one's
13 personal residence in which common living areas are shared.

14 (11) Nothing in this act limits the applicability of the
15 Fair Housing Act and reasonable State or local restrictions on
16 the maximum number of occupants permitted to occupy a dwelling
17 or a reasonable restriction relating to health or safety
18 standards or business necessity. Owners and managers of
19 dwellings may develop and implement reasonable occupancy and
20 safety standards based on factors such as the number and size of
21 sleeping areas or bedrooms and the overall size of a dwelling
22 unit so long as the standards do not violate the Fair Housing
23 Act or State or local restrictions.

24 (i) For any person being the owner, lessee, proprietor,
25 manager, superintendent, agent or employe of any public
26 accommodation, resort or amusement to:

27 (1) Refuse, withhold from, or deny to any person because of
28 [his] race, color, sex, sexual orientation, gender identity or
29 expression, religious creed, ancestry, national origin or
30 handicap or disability, or to any person due to use of a guide

1 or support animal because of the blindness, deafness or physical
2 handicap of the user or because the user is a handler or trainer
3 of support or guide animals, either directly or indirectly, any
4 of the accommodations, advantages, facilities or privileges of
5 such public accommodation, resort or amusement.

6 (2) Publish, circulate, issue, display, post or mail, either
7 directly or indirectly, any written or printed communication,
8 notice or advertisement to the effect that any of the
9 accommodations, advantages, facilities and privileges of any
10 such place shall be refused, withheld from or denied to any
11 person on account of race, color, religious creed, sex, sexual
12 orientation, gender identity or expression, ancestry, national
13 origin or handicap or disability, or to any person due to use of
14 a guide or support animal because of the blindness, deafness or
15 physical handicap of the user, or because the user is a handler
16 or trainer of support or guide animals, or that the patronage or
17 custom thereat of any person[, belonging to or purporting to be
18 of any particular] because of race, color, religious creed, sex,
19 sexual orientation, gender identity or expression, ancestry,
20 national origin or handicap or disability, or to any person due
21 to use of a guide or support animal because of the blindness,
22 deafness or physical handicap of the user or because the user is
23 a handler or trainer of support or guide animals, is unwelcome,
24 objectionable or not acceptable, desired or solicited.

25 (3) Exclude or otherwise deny equal goods, services,
26 facilities, privileges, advantages, accommodations or other
27 opportunities to a person because of the handicap or disability
28 of an individual with whom the person is known to have a
29 relationship or association.

30 (4) Construct, operate or otherwise make available such

1 place of public accommodation, resort or amusement which is not
2 accessible.

3 * * *

4 (m) It shall neither be a bar to a claim nor a defense to a
5 claim under this act that an action was taken based on a
6 mistaken belief that:

7 (1) a person or group has a personal characteristic or
8 characteristics upon which this act prohibits discrimination; or

9 (2) a person or group with whom a person or group associates
10 has a personal characteristic or characteristics upon which this
11 act prohibits discrimination.

12 * * *

13 Section 3. Section 5.3 of the act is amended to read:

14 Section 5.3. Prohibition of Certain Real Estate Practices.--
15 It shall be an unlawful discriminatory practice for any person
16 to:

17 (a) Induce, solicit or attempt to induce or solicit for
18 commercial profit any listing, sale or transaction involving any
19 housing accommodation or commercial property by representing
20 that such housing accommodation or commercial property is within
21 any neighborhood, community or area adjacent to any other area
22 in which there reside, or do not reside, persons of a particular
23 race, color, familial status, age, religious creed, ancestry,
24 sex, sexual orientation, gender identity or expression, national
25 origin, handicap or disability, or who are guide or support
26 animal dependent.

27 (b) Discourage, or attempt to discourage, for commercial
28 profit, the purchase or lease of any housing accommodation or
29 commercial property by representing that such housing
30 accommodation or commercial property is within any neighborhood,

1 community or area adjacent to any other area in which there
2 reside, or may in the future reside in increased or decreased
3 numbers, persons of a particular race, color, familial status,
4 age, religious creed, ancestry, sex, sexual orientation, gender
5 identity or expression, national origin, handicap or disability,
6 or who are guide or support animal dependent.

7 (c) Misrepresent, create or distort a circumstance,
8 condition or incident for the purpose of fostering the
9 impression or belief, on the part of any owner, occupant or
10 prospective owner or occupant of any housing accommodation or
11 commercial property, that such housing accommodation or
12 commercial property is within any neighborhood, community or
13 area adjacent to any other area which would be adversely
14 impacted by the residence, or future increased or decreased
15 residence, of persons of a particular race, color, familial
16 status, age, religious creed, ancestry, sex, sexual orientation,
17 gender identity or expression, national origin, handicap or
18 disability, or who are guide or support animal dependent within
19 such neighborhood, community or area.

20 (d) In any way misrepresent or otherwise misadvertise within
21 a neighborhood or community, whether or not in writing, that any
22 housing accommodation or commercial property within such
23 neighborhood or community is available for inspection, sale,
24 lease, sublease or other transfer, in any context where such
25 misrepresentation or misadvertising would have the effect of
26 fostering an impression or belief that there has been or will be
27 an increase in real estate activity within such neighborhood or
28 community due to the residence, or anticipated increased or
29 decreased residence, of persons of a particular race, color,
30 familial status, age, religious creed, ancestry, sex, sexual

1 orientation, gender identity or expression, national origin,
2 handicap or disability, or the use of a guide or support animal
3 because of the blindness, deafness or physical handicap of the
4 user.

5 Section 4. The act is amended by adding a section to read:

6 Section 5.4. Protection of Religious Exercise.--(a) Nothing
7 contained in this act, or in any ordinance, charter, law or
8 regulation that is or has been adopted by any political
9 subdivision in this Commonwealth in accordance with this act,
10 shall be interpreted to:

11 (1) Prohibit a religious entity from determining the tenets
12 of its faith, or from expressing those tenets, if the
13 prohibition would violate the freedom of speech or free exercise
14 of religion guaranteed to the religious entity by the
15 Constitution of the United States or the Constitution of
16 Pennsylvania.

17 (2) Require an individual or religious entity to engage in
18 conduct prohibited by or inconsistent with the tenets of its
19 faith, if the requirement would violate the free exercise of
20 religion guaranteed to the individual or religious entity by the
21 Constitution of the United States or the Constitution of
22 Pennsylvania.

23 (b) As used in this section, the term "religious entity"
24 means a religious or denominational institution or organization
25 or a charitable or educational organization which is operated,
26 supervised or controlled by or in connection with a religious
27 organization.

28 Section 5. Sections 7(i), (j), (k) and 8 of the act are
29 amended to read:

30 Section 7. Powers and Duties of the Commission.--The

1 Commission shall have the following powers and duties:

2 * * *

3 (i) To create such advisory agencies and conciliation
4 councils, local or state-wide, as will aid in effectuating the
5 purposes of this act. The Commission may itself or it may
6 empower these agencies and councils to (1) study the problems of
7 discrimination in all or specific fields of human relationships
8 when based on race, color, familial status, religious creed,
9 ancestry, age, sex, sexual orientation, gender identity or
10 expression, national origin or handicap or disability, and (2)
11 foster, through community effort or otherwise, good will among
12 the groups and elements of the population of the State. Such
13 agencies and councils may make recommendations to the Commission
14 for the development of policies and procedure in general.
15 Advisory agencies and conciliation councils created by the
16 Commission shall be composed of representative citizens, serving
17 without pay, but the Commission may make provision for technical
18 and clerical assistance to such agencies and councils, and for
19 the payment of the expenses of such assistance.

20 (j) To issue such publications and such results of
21 investigations and research as, in its judgment, will tend to
22 promote good will and minimize or eliminate discrimination
23 because of race, color, familial status, religious creed,
24 ancestry, age, sex, sexual orientation, gender identity or
25 expression, national origin or handicap or disability.

26 (k) To submit an annual report for each fiscal year by the
27 following March 31 to the General Assembly, the Labor and
28 Industry Committee of the Senate and the State Government
29 Committee of the House of Representatives and the Governor
30 describing in detail the types of complaints received, the

1 investigations, status of cases, Commission action which has
2 been taken, how many were found to have probable cause, how many
3 were resolved by public hearing and the length of time from the
4 initial complaint to final Commission resolution. It shall also
5 contain recommendations for such further legislation concerning
6 abuses and discrimination because of race, color, familial
7 status, religious creed, ancestry, national origin, age, sex,
8 sexual orientation, gender identity or expression, handicap or
9 disability or the use of a guide or support animal because of
10 the blindness, deafness or physical handicap of the user or
11 because the user is a handler or trainer of support or guide
12 animals, as may be desirable.

13 * * *

14 Section 8. Educational Program.--The Commission, in
15 cooperation with the Department of Education, is authorized to
16 recommend a multicultural educational program, designed for the
17 students of the schools in this Commonwealth and for all other
18 residents thereof, with emphasis on foreign cultural and
19 language studies, as well as on the basic shared precepts and
20 principles of United States culture, in order to promote
21 cultural understanding and appreciation and to further good will
22 among all persons, without regard to race, color, familial
23 status, religious creed, ancestry, age, sex, sexual orientation,
24 gender identity or expression, national origin, handicap or
25 disability.

26 Section 6. Section 12(b) of the act is amended and the
27 section is amended by adding a subsection to read:

28 Section 12. Construction and Exclusiveness of Remedy.--

29 * * *

30 (b) Except as provided in subsection (c), nothing contained

1 in this act shall be deemed to repeal or supersede any of the
2 provisions of any existing or hereafter adopted municipal
3 ordinance, municipal charter or of any law of this Commonwealth
4 relating to discrimination because of race, color, familial
5 status, religious creed, ancestry, age, sex, sexual orientation,
6 gender identity or expression, national origin or handicap or
7 disability, but as to acts declared unlawful by section five of
8 this act the procedure herein provided shall, when invoked, be
9 exclusive and the final determination therein shall exclude any
10 other action, civil or criminal, based on the same grievance of
11 the complainant concerned. If the complainant institutes any
12 action based on such grievance without resorting to the
13 procedure provided in this act, such complainant may not
14 subsequently resort to the procedure herein. In the event of a
15 conflict between the interpretation of a provision of this act
16 and the interpretation of a similar provision contained in any
17 municipal ordinance, the interpretation of the provision in this
18 act shall apply to such municipal ordinance.

19 * * *

20 (g) Nothing in this act shall prohibit an employer from
21 requiring an employe, during the employe's hours at work, to
22 adhere to reasonable dress or grooming standards not prohibited
23 by other provisions of Federal, State or local law, provided
24 that the employer permits an employe to adhere to the dress or
25 grooming standards that are consistent with the employe's gender
26 identity or expression.

27 Section 7. This act shall take effect in 30 days.