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HOUSE BILL NO. 397

Offered January 13, 2016

Prefiled January 6, 2016

A BILL to amend and reenact §§ 2.2-3901 and 15.2-965 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-79.7, relating to discrimination based on an individual's sex.

Patrons—LaRock, Cole, Fariss, Freitas, Marshall, D.W., Marshall, R.G. and Poindexter; Senator: Garrett

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3901 and 15.2-965 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-79.7 as follows:

§ 2.2-3901. Unlawful discriminatory practice and gender discrimination defined.

Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability shall be an "unlawful discriminatory practice" for the purposes of this chapter.

The terms "because of ~~sex or~~ gender," ~~or~~ "because of sex," "on the basis of ~~sex or~~ gender," ~~or~~ and "on the basis of sex" and terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly mean because of or on the basis of the biologic character or quality that distinguishes an individual as either male or female as determined at birth by analysis of the individual's gonadal, internal and external morphologic, chromosomal, and hormonal characteristics.

The terms "because of gender," "because of sex," "on the basis of gender," and "on the basis of sex" and terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all purposes as persons not so affected but similar in their abilities or disabilities.

§ 15.2-965. Human rights ordinances and commissions.

A. Any locality may enact an ordinance, ~~not~~ neither inconsistent with nor more stringent than any applicable state law, prohibiting discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability, *provided that, consistent with Article I, Section 11 of the Constitution of Virginia, no such ordinance shall consider the mere separation of individuals by sex to be discrimination.*

B. The locality may enact an ordinance establishing a local commission on human rights which shall have the powers and duties granted by the Virginia Human Rights Act (§ 2.2-3900 et seq.).

§ 22.1-79.7. Human rights policies.

A. Each local school board may enact a policy, neither inconsistent with nor more stringent than any applicable state law, prohibiting discrimination in education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability, *provided that, consistent with Article I, Section 11 of the Constitution of Virginia, no such policy shall consider the mere separation of individuals by sex to be discrimination.*

INTRODUCED

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