

SB0212/718878/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 212

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “employment;” insert “altering the applicability of certain provisions of law prohibiting discrimination in places of public accommodation;”; in line 8, after “facilities;” insert “altering the applicability of certain provisions of law prohibiting discrimination in employment;”; in line 16, strike “making certain legislative findings and declarations;”; and in line 26, strike “and 20-102”.

On page 2, in line 5, strike “and 20-303”; in line 10, after “20-302,” insert “20-303;”; and in the same line, after “20-603,” insert “20-604.”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 28 through 30, inclusive, and substitute:

“(E) “GENDER IDENTITY” MEANS A PERSISTENT, BONA FIDE GENDER-RELATED IDENTITY AND THE CONSISTENT, PUBLIC MANIFESTATION OF THAT IDENTITY IN THE GENDER-RELATED APPEARANCE OF AN INDIVIDUAL REGARDLESS OF THE INDIVIDUAL’S ASSIGNED SEX AT BIRTH.”

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 23 on page 3, inclusive.

AMENDMENT NO. 4

On page 4, in line 18, before “This” insert “**(A)**”; and after line 30, insert:

(Over)

“(B) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “EQUIVALENT PRIVATE SPACE” MEANS A SPACE THAT IS FUNCTIONALLY EQUIVALENT TO THE SPACE MADE AVAILABLE TO USERS OF A PRIVATE FACILITY.

(III) “PRIVATE FACILITY” MEANS A FACILITY:

1. THAT IS DESIGNED TO ACCOMMODATE ONLY A PARTICULAR SEX;

2. THAT IS DESIGNED TO BE USED SIMULTANEOUSLY BY MORE THAN ONE USER OF THE SAME SEX; AND

3. IN WHICH IT IS CUSTOMARY TO DISROBE IN VIEW OF OTHER USERS OF THE FACILITY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THIS SUBTITLE APPLIES, WITH RESPECT TO GENDER IDENTITY, TO ALL FACILITIES IN A PLACE OF PUBLIC ACCOMMODATION.

(3) THIS SUBTITLE DOES NOT APPLY, WITH RESPECT TO GENDER IDENTITY, TO A PRIVATE FACILITY, IF THE PLACE OF PUBLIC ACCOMMODATION IN WHICH THE PRIVATE FACILITY IS LOCATED MAKES AVAILABLE, FOR THE USE OF PERSONS WHOSE GENDER IDENTITY IS DIFFERENT FROM THEIR ASSIGNED SEX AT BIRTH, AN EQUIVALENT PRIVATE SPACE.”.

AMENDMENT NO. 5

On page 6, after line 24, insert:

“20-604.

This subtitle does not apply to:

- (1) an employer with respect to the employment of aliens outside of the State; or
- (2) a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion [or], sexual orientation, OR GENDER IDENTITY to perform work connected with the activities of the religious entity.”.