

286 employees who work in different locations, provided that such differences are not the result of an intention to discriminate  
287 because of race, marital status, genetic information, color, age, religion, sex, sexual orientation, gender identity, or national  
288 origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any  
289 professionally developed ability test provided that such test, its administration or action upon the results is not designed,  
290 intended or used to discriminate because of race, marital status, genetic information, color, religion, age, sex, sexual  
291 orientation, gender identity, or national origin.

292 (l) Nothing in this subchapter shall affect the ability of an employer to require employees to adhere to reasonable  
293 workplace appearance, grooming and dress standards not precluded by other provisions of State or federal law, except that  
294 an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity.

295 Section 20. Amend § 5105(a)(2), Title 25, Delaware Code, by making insertions as shown by underlining as  
296 follows:

297 (2) The names and usual business addresses of any person who would be deemed a landlord of the unit pursuant to  
298 § 5141~~(13)~~(14) of this title.

299 Section 21. Amend § 5116(a), (b) & (d), Title 25, Delaware Code, by making insertions as shown by underlining  
300 as follows:

301 (a) No person, being an owner or agent of any real estate, house, apartment or other premises, shall refuse or  
302 decline to rent, subrent, sublease, assign or cancel any existing rental agreement to or of any tenant or any person by reason  
303 of race, creed, religion, marital status, color, sex, sexual orientation, gender identity, national origin, disability, age or  
304 occupation or because the tenant or person has a child or children in the family.

305 (b) No person shall demand or receive a greater sum as rent for the use and occupancy of any premises because the  
306 person renting or desiring to rent the premises is of a particular race, creed, religion, marital status, color, sex, sexual  
307 orientation, gender identity, national origin, disability, age or occupation or has a child or children in the family.

308 (d) Notwithstanding subsection (a) of this section relating to age discrimination, and consistent with federal and  
309 state fair housing acts, a landlord may make rental units available exclusively for rental by senior citizens. A senior citizen  
310 rental unit shall be available for rent solely to senior citizens, without regard to race, creed, religion, marital status, color,  
311 sex, sexual orientation, gender identity, national origin, disability or occupation of the senior citizen and without regard to  
312 whether or not the senior citizen has a dependent child or children in the residence.

313 Section 22. Amend § 5141, Title 25, Delaware Code, by renumbering subsections (10)-(30) as (11)-(31).

314 Section 23. Amend § 5141, Title 25, Delaware Code, by inserting a new subsection (10) through insertions as  
315 shown by underlining as follows:

316           (10) “Gender identity” means a gender-related identity, appearance, expression or behavior of a person, regardless  
317 of the person’s assigned sex at birth.

318           Section 24. Amend § 5316(c)(10), Title 25, Delaware Code, by making insertions as shown by underlining as  
319 follows:

320           (10) The landlord, after being given notice of the tenant’s victimization per § 5141(6) or ~~(26)~~(27) of this title,  
321 discontinues those actions prohibited by subsection (a) of this section, above.

322           Section 25. Amend § 5953, Title 29, Delaware Code, by making insertions as shown by underlining as follows:

323           No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service,  
324 or be in any way favored or discriminated against with respect to employment in the classified service because of political  
325 or religious opinions or affiliations, sexual orientation, gender identity, sex or race.

326           Section 26. Amend § 6962(d)(7)a., Title 29, Delaware Code, by making insertions as shown by underlining as  
327 follows:

328           a. As a condition of the awarding of any contract for public works financed in whole or in part by state  
329 appropriation, such contracts shall include the following provisions:

330           “During the performance of this contract, the contractor agrees as follows:

331           1. The contractor will not discriminate against any employee or applicant for employment because of race, creed,  
332 color, sex, sexual orientation, gender identity or national origin. The contractor will take positive steps to ensure that  
333 applicants are employed and that employees are treated during employment without regard to their race, creed, color, sex,  
334 sexual orientation, gender identity or national origin. Such action shall include, but not be limited to, the following:  
335 employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or  
336 other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in  
337 conspicuous places available to employees and applicants for employment notices to be provided by the contracting agency  
338 setting forth this nondiscrimination clause.

339           2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor,  
340 state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, sexual  
341 orientation, gender identity or national origin.”

342           Section 27. The inclusion in this Act of the words “gender identity” is intended to ensure equal rights and not to  
343 endorse or confer legislative approval of any unlawful conduct.

344           Section 28. If any provision of this Act or the application thereof to any person or circumstance is held invalid,  
345   such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid  
346   provision or application, and to that end the provisions of this Act are declared to be severable.

347           Section 29. This Act may be referred to as the “Gender Identity Nondiscrimination Act of 2013”.

#### SYNOPSIS

          This Act adds the term “gender identity” to the already-existing list of prohibited practices of discrimination and hate crimes. As such, this Act would forbid discrimination against a person on the basis of gender identity in housing, employment, public works contracting, public accommodations, and insurance, and it would provide for increased punishment of a person who intentionally selects the victim of a crime because of the victim’s gender identity.

Author: Senator Henry

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## Delaware General Assembly

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### 147th General Assembly

#### Senate Bill # 97 w/HA 1, HA 1 to HA 1

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Introduced on : 05/29/2013

Long Title: AN ACT TO AMEND TITLES 6, 9, 11, 18, 19, 25, AND 29 OF THE DELAWARE CODE RELATING TO HATE CRIMES AND DISCRIMINATION IN EMPLOYMENT, PUBLIC WORKS CONTRACTING, HOUSING, EQUAL ACCOMMODATIONS, AND THE INSURANCE BUSINESS ON THE BASIS OF GENDER IDENTITY.

Synopsis of Original Bill: (without Amendments) This Act adds the term "gender identity" to the already-existing list of prohibited practices of **discrimination** and hate crimes. As such, this Act would forbid **discrimination** against a person on the basis of gender identity in housing, employment, public works contracting, public accommodations, and insurance, and it would provide for increased punishment of a person who intentionally selects the victim of a crime because of the victim's gender identity.

Current Status: Signed On 06/19/2013

Volume Chapter 79:47

Date Governor acted: 06/19/2013

Full text of Legislation: (in HTML format)

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Fiscal Notes/Fee Impact: Not Required

Amendments: [HA 1 w/HA 1 to SB 97 - Passed](#)  
[HA 1 to HA 1 to SB 97 - Passed](#)

Committee Reports:

Senate Committee report 06/05/13 F=1 M=3 U=0----->

House Committee Report 06/12/13 F=0 M=4 U=0----->

Voting Reports:

Senate vote: ( ) Passed 6/6/2013 3:31:03 PM----->

House vote: ( ) Passed 6/18/2013 6:57:16 PM----->

Session ▾

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OR

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Engrossed Version:

Senate vote: () Passed 6/19/2013 4:52:52 PM-----&gt;

Engrossment-----&gt;

## Actions History:

Jun 19, 2013 - Signed by Governor  
 Jun 19, 2013 - Passed by Senate. Votes: Passed 11 YES 9 NO 1 NOT VOTING  
 0 ABSENT 0 VACANT  
 Jun 18, 2013 - Passed by House of Representatives. Votes: Passed 24 YES 17  
 NO 0 NOT VOTING 0 ABSENT 0 VACANT  
 Jun 18, 2013 - Amendment HA 1 - Passed by House of Representatives. Votes:  
 Passed 25 YES 16 NO 0 NOT VOTING 0 ABSENT 0 VACANT  
 Jun 18, 2013 - Amendment HA 1 to HA 1 - Passed in House by Voice Vote  
 Jun 18, 2013 - Amendment HA 1 to HA 1 - Introduced in House  
 Jun 18, 2013 - Amendment HA 1 - Introduced and Placed With Bill  
 Jun 12, 2013 - Reported Out of Committee (HOUSE ADMINISTRATION) in  
 House with 4 On Its Merits  
 May 29, 2013 - Introduced in House and assigned to House Administration  
 Committee  
 Jun 06, 2013 - Assigned to House Administration Committee in House  
 Jun 06, 2013 - Passed by Senate. Votes: Passed 11 YES 7 NO 2 NOT VOTING  
 1 ABSENT 0 VACANT  
 Jun 05, 2013 - Reported Out of Committee (JUDICIARY) in Senate with 1  
 Favorable, 3 On Its Merits  
 May 29, 2013 - Assigned to Judiciary Committee in Senate

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**PASSED**

SPONSOR: Rep. B. Short

HOUSE OF REPRESENTATIVES  
147th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1

TO

SENATE BILL NO. 97

1           AMEND House Bill No. 97 by deleting line 13 in its entirety and substituting in lieu thereof the following:  
2   of the person's assigned sex at birth. Gender identity may be demonstrated by consistent and uniform assertion of the  
3   gender identity or any other evidence that the gender identity is sincerely held as part of a person's core identity; provided,  
4   however, that gender identity shall not be asserted for any improper purpose.

5           FURTHER AMEND House Bill No. 97 by deleting line 23 in its entirety and substituting in lieu thereof the  
6   following:  
7   accommodation, facilities, advantages or privileges thereof. A place of public accommodation may provide reasonable  
8   accommodations based on gender identity in areas of facilities where disrobing is likely, such as locker rooms or other  
9   changing facilities, which reasonable accommodations may include a separate or private place for the use of persons whose  
10   gender-related identity, appearance or expression is different from their assigned sex at birth, provided that such reasonable  
11   accommodations are not inconsistent with the gender-related identity of such persons. For the purpose of training support  
12   animals to be used by

13           FURTHER AMEND House Bill No. 97 by deleting line 45 in its entirety and substituting in lieu thereof the  
14   following:  
15   of the person's assigned sex at birth. Gender identity may be demonstrated by consistent and uniform assertion of the  
16   gender identity or any other evidence that the gender identity is sincerely held as part of a person's core identity; provided,  
17   however, that gender identity shall not be asserted for any improper purpose.

18           FURTHER AMEND House Bill No. 97 by deleting line 153 in its entirety and substituting in lieu thereof the  
19   following:

20 of the person's assigned sex at birth. Gender identity may be demonstrated by consistent and uniform assertion of the  
21 gender identity or any other evidence that the gender identity is sincerely held as part of a person's core identity; provided,  
22 however, that gender identity shall not be asserted for any improper purpose.

23 FURTHER AMEND House Bill No. 97 by deleting line 230 in its entirety and substituting in lieu thereof the  
24 following:

25 of the person's assigned sex at birth. Gender identity may be demonstrated by consistent and uniform assertion of the  
26 gender identity or any other evidence that the gender identity is sincerely held as part of a person's core identity; provided,  
27 however, that gender identity shall not be asserted for any improper purpose.

28 FURTHER AMEND House Bill No. 97 by deleting line 317 in its entirety and substituting in lieu thereof the  
29 following:

30 of the person's assigned sex at birth. Gender identity may be demonstrated by consistent and uniform assertion of the  
31 gender identity or any other evidence that the gender identity is sincerely held as part of a person's core identity; provided,  
32 however, that gender identity shall not be asserted for any improper purpose.

#### SYNOPSIS

This amendment clarifies that gender identity may be demonstrated by consistent and uniform assertion of the identity or other evidence that it is part of a person's core identity, and explicitly provides that places of public accommodation may provide reasonable accommodations on the basis of gender identity in areas of facilities where disrobing is likely, such as separate or private areas for the use of persons whose gender-related identity, appearance or expression is different from their assigned sex at birth.



**PASSED**

SPONSOR: Rep. B. Short

HOUSE OF REPRESENTATIVES  
147th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1

TO

HOUSE AMENDMENT NO. 1

TO

SENATE BILL NO. 97

- 1 AMEND House Amendment No. 1 to Senate Bill No. 97 at lines 1, 5, 13, 18, 23, and 28 by deleting the word
- 2 "House" and substituting in lieu thereof the word "Senate".

SYNOPSIS

This amendment to the amendment corrects the references to Senate Bill No. 97, as opposed to House Bill No. 97.



# FINAL BILL AS AMENDED



SPONSOR: Sen. Henry & Sen. Blevins & Rep. B. Short  
Sens. McDowell, Peterson, Poore, Sokola, Townsend; Reps.  
Barbieri, Baumbach, Bolden, Brady, Heffernan, J. Johnson, Q.  
Johnson, Kowalko, Longhurst, Mulrooney, M. Smith, D.E.  
Williams, K. Williams

DELAWARE STATE SENATE

147th GENERAL ASSEMBLY

SENATE BILL NO. 97  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1 AS AMENDED  
BY HOUSE AMENDMENT NO. 1 TO HOUSE  
AMENDMENT NO. 1

AN ACT TO AMEND TITLES 6, 9, 11, 18, 19, 25, AND 29 OF THE DELAWARE CODE RELATING TO HATE CRIMES AND DISCRIMINATION IN EMPLOYMENT, PUBLIC WORKS CONTRACTING, HOUSING, EQUAL ACCOMMODATIONS, AND THE INSURANCE BUSINESS ON THE BASIS OF GENDER IDENTITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4501, Title 6, Delaware Code, by making insertions as shown by underlining as follows:

This chapter is intended to prevent, in places of public accommodations, practices of discrimination against any person because of race, age, marital status, creed, color, sex, handicap, sexual orientation, gender identity or national origin. This chapter shall be liberally construed to the end that the rights herein provided for all people, without regard to race, age, marital status, creed, color, sex, handicap, sexual orientation, gender identity or national origin, may be effectively safeguarded. Furthermore, in defining the scope or extent of any duty imposed by this chapter, higher or more comprehensive obligations established by otherwise applicable federal, state, or local enactments may be considered.

Section 2. Amend § 4502, Title 6, Delaware Code, by renumbering existing subsections (10)-(16) as subsections (11)-(17).

Section 3. Amend § 4502, Title 6, Delaware Code, by inserting a new subsection (10), through insertions as shown by underlining as follows:

(10) "Gender identity" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth. Gender identity may be demonstrated by consistent and uniform assertion of

the gender identity or any other evidence that the gender identity is sincerely held as part of a person's core identity; provided, however, that gender identity shall not be asserted for any improper purpose.

Section 4. Amend § 4503, Title 6, Delaware Code, by making insertions as shown by underlining as follows:

All persons within the jurisdiction of this State are entitled to the full and equal accommodations, facilities, advantages and privileges of any place of public accommodation regardless of the race, age, marital status, creed, color, sex, handicap, sexual orientation, gender identity, or national origin of such persons.

Section 5. Amend § 4504(a) & (b), Title 6, Delaware Code, by making insertions as shown by underlining as follows:

(a) No person being the owner, lessee, proprietor, manager, director, supervisor, superintendent, agent or employee of any place of public accommodation, shall directly or indirectly refuse, withhold from or deny to any person, on account of race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity or national origin, any of the accommodation, facilities, advantages or privileges thereof. A place of public accommodation may provide reasonable accommodations based on gender identity in areas of facilities where disrobing is likely, such as locker rooms or other changing facilities, which reasonable accommodations may include a separate or private place for the use of persons whose gender-related identity, appearance or expression is different from their assigned sex at birth, provided that such reasonable accommodations are not inconsistent with the gender-related identity of such persons. For the purpose of training support animals to be used by persons with disabilities, all trainers and their support animals shall be included within those covered by this subsection.

(b) No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, shall directly or indirectly publish, issue, circulate, post or display any written, typewritten, mimeographed, printed or radio communications notice or advertisement to the effect that any of the accommodations, facilities, advantages and privileges of any place of public accommodation shall be refused, withheld from or denied to any person on account of race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be appearing to be of any particular race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity or national origin is unlawful, objectionable, or not acceptable, desired, accommodated or solicited, or that the patronage of persons of any particular race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity or national origin is preferred or is particularly welcomed, desired or solicited.

Section 6. Amend § 4601(a), Title 6, Delaware Code, by making insertions as shown by underlining as follows: