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DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 72

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO EQUAL ACCOMMODATIONS.

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

Section 1. Amend § 4501, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4501. Purpose and construction.

This chapter is intended to prevent, in places of public accommodations, practices of discrimination against any person because of race, age, marital status, creed, religion, color, sex, disability, 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, religion, color, sex, disability, 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 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating Delaware Code provisions accordingly:

§ 4502. Definitions.

~~As used in~~ For purposes of this chapter:

(15) "Religion" includes all aspects of religious observance and practice, as well as belief.

Section 3. Amend § 4503, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4503. Persons entitled to protection.

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, religion, color, sex, handicap, sexual orientation, gender identity, or national origin of such persons.

Section 4. Amend § 4504, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4504. Unlawful practices.

(a)(1) No person being the owner, lessee, proprietor, manager, director, supervisor, superintendent, agent, or employee of any place of public accommodation, may directly or indirectly refuse, withhold from, or deny to any person, on account of race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity, or national origin, any of the accommodations, facilities, advantages, or privileges thereof.

(b) No person, being the owner, lessee, proprietor, manager, superintendent, ~~agent~~ agent, or employee of any place of public accommodation, shall directly or indirectly publish, issue, circulate, ~~post~~ post, or display any written, typewritten, mimeographed, ~~printed~~ printed, television, Internet, 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, religion, color, sex, disability, sexual orientation, ~~gender identity~~ 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, religion, color, sex, disability, sexual orientation, ~~gender identity~~ 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, religion, color, sex, disability, sexual orientation, ~~gender identity~~ gender identity, or national origin is preferred or is particularly welcomed, desired or solicited.

Section 5. This Act is known as "The Religious Freedom for All Act".

SYNOPSIS

This Act clarifies that discrimination against any person because of religion is illegal under Chapter 45 of Title 6, the Delaware Equal Accommodations Act. Religion and religious beliefs were always intended to be protected under the Delaware Equal Accommodations Act through the word "creed" and this Act codifies that understanding, consistent with the Superior Court's decision in *Boscov's Dep't Store v. Jackson*, 2007 Del. Super. LEXIS 37. This Act adds the term "religion" to the list of prohibited bases for discrimination and defines "religion" to include all aspects of religious observance and practice, not just belief.

This Act also updates the forms of communication covered by the Delaware Equal Accommodations Act so the list includes notices or advertisements on television or the Internet.

This Act is known as "The Religious Freedom for All Act".

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator S. McBride