**South Carolina General Assembly**

118th Session, 2009-2010

**S. 39**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Ford

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Companion/Similar bill(s): 40, 73, 75, 76

Introduced in the Senate on January 13, 2009

Currently residing in the Senate Committee on **Labor, Commerce and Industry**

Summary: Lodging Establishment Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Labor, Commerce and Industry**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑90

1/13/2009 Senate Referred to Committee on **Labor, Commerce and Industry** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑90

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\39_20081210.docx)

**A** **BILL**

TO AMEND SECTIONS 45‑2‑20, 45‑2‑30, AND 45‑2‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING DISCRIMINATION PURSUANT TO THE LODGING ESTABLISHMENT ACT, CONCERNING HOTELS AND OTHER SLEEPING ACCOMMODATIONS, BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, GENDER, DISABILITY, OR MARITAL STATUS, SO AS TO ALSO PROHIBIT SUCH DISCRIMINATION BECAUSE OF SEXUAL ORIENTATION OR GENDER IDENTITY AND TO DEFINE “SEXUAL ORIENTATION” AND “GENDER IDENTITY”; AND TO AMEND SECTION 45‑9‑10, RELATING TO PROHIBITING DISCRIMINATION IN THE FULL AND EQUAL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES AND ACCOMMODATIONS OF ANY PLACE OF PUBLIC ACCOMMODATION BECAUSE OF RACE, COLOR, RELIGION, OR NATIONAL ORIGIN, SO AS TO PROHIBIT SUCH DISCRIMINATION BECAUSE OF SEXUAL ORIENTATION OR GENDER IDENTITY AND TO DEFINE “SEXUAL ORIENTATION” AND “GENDER IDENTITY”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 45‑2‑20 of the 1976 Code, as added by Act 446 of 1994, is amended by adding appropriately numbered items to read:

“( ) ‘Sexual orientation’ means heterosexuality, homosexuality, or bisexuality, whether actual or perceived.

( ) ‘Gender identity’ means a person’s self‑perception, or perception of that person by another, of the person’s identity as a male or female based upon the person’s appearance, behavior, or physical characteristics that are in accord with or opposed to the person’s physical anatomy, chromosomal sex, or sex at birth.”

SECTION 2. Section 45‑2‑30(B) of the 1976 Code, as added by Act 446 of 1994, is amended to read:

“(B) The innkeeper refusing or denying accommodations, facilities, or privileges of a lodging establishment for any of the reasons specified in items (1) through (5) of this section may not be determined liable in any civil or criminal action or for any fine or penalty based upon the refusal or denial, except that the accommodation, facilities, or privilege of a lodging establishment may not be refused or denied based upon a person’s race, creed, color, national origin, gender, sexual orientation, gender identity, disability, or marital status.”

SECTION 3. Section 45‑2‑60(6) of the 1976 Code, as added by Act 446 of 1994, is amended to read:

“(6) violation of a rule of the lodging establishment which is posted in a conspicuous place and manner in the lodging establishment in accordance with Section 45‑2‑70, but no rule may authorize the innkeeper to eject or to refuse or deny service or accommodations to a person because of race, creed, color, national origin, gender, sexual orientation, gender identity, disability, or marital status.”

SECTION 4. Section 45‑9‑10(A) of the 1976 Code, as added by Act 423 of 1990, is amended to read:

“(A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, ~~or~~ national origin, sexual orientation, or gender identity.”

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 7. This act takes effect upon approval by the Governor.

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