

[First Reprint]
SENATE, No. 2039

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

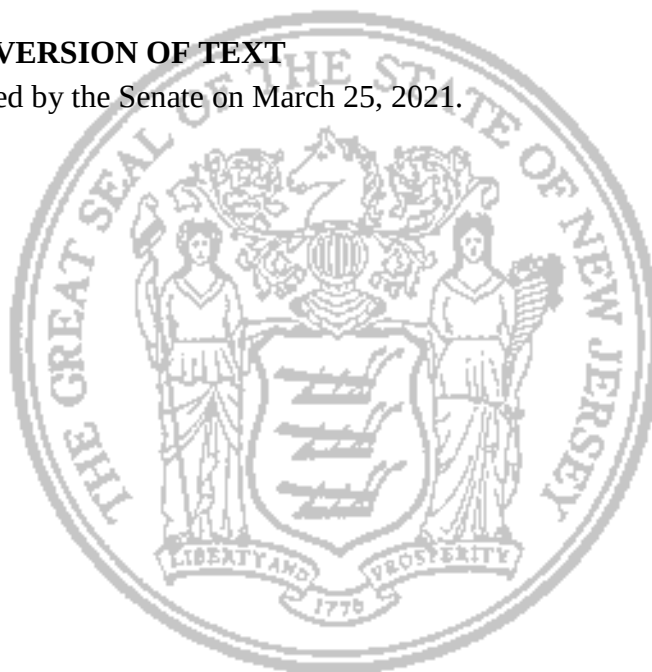
Senators Addiego, Corrado, Cruz-Perez, Cunningham, Ruiz, Turner and Weinberg

SYNOPSIS

Prohibits gender-based price discrimination.

CURRENT VERSION OF TEXT

As amended by the Senate on March 25, 2021.



(Sponsorship Updated As Of: 3/11/2021)

1 AN ACT concerning gender-based price discrimination and
 2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Prohibition
 8 Against Gender-Based Pricing Discrimination Act.”

9

10 2. a. ¹**[A business shall not]** It shall be an unlawful practice
 11 for any person to:

12 (1)¹ discriminate based on gender with regard to the price
 13 charged for ¹**[a service]** merchandise¹ offered ¹**[by the business.**

14 b. A business shall not **[for sale; or**

15 (2)¹ charge different prices for any two consumer products from
 16 the same manufacturer that are substantially similar, if those
 17 products are priced differently solely based on the gender of the
 18 individuals for whom the products are intended or marketed. For
 19 purposes of this subsection, two products are substantially similar if
 20 there are no significant differences in the materials used in the
 21 products, the function of the products, and the functional design or
 22 features of the products. A difference in color or packaging among
 23 consumer products shall not, by itself, be construed as a substantial
 24 difference.

25 ¹**[c.] b.**¹ The provisions of subsection a. ¹**[and b.]**¹ of this
 26 section shall not be construed to prohibit price differences based
 27 upon labor, materials, tariffs, or any other gender-neutral reason,
 28 including when a retail establishment passes through a price to the
 29 consumer that is set by a manufacturer, distributor, or other entity
 30 that is beyond the retailer’s control.

31 ¹**[d.] c.**¹ (1) ¹**[The following businesses]** Any person who
 32 offers or provides tailoring or wearing apparel alteration services,
 33 cosmetology and hairstyling services, or clothes laundering or dry
 34 cleaning services to consumers¹ shall clearly and conspicuously
 35 disclose to ¹**[the customer]** consumers¹ in writing the pricing for
 36 each standard service provided ¹**[:** tailors or other businesses
 37 providing aftermarket clothing alterations; barbers or hair salons;
 38 and dry cleaners and laundries providing services to individuals **]**¹.

39 (2) The pricing shall be posted in ¹**[an area]** a¹ conspicuous
 40 ¹**[to customers]** place on the premises in a location which can be
 41 seen easily by consumers¹. Posted price lists shall be in no less than
 42 14-point boldface type and clearly and completely display pricing
 43 for every standard service offered by the business as required by
 44 ¹**[paragraph (1) of]**¹ this subsection.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted March 25, 2021.

1 (3) A ¹**business** person subject to the requirements of this
2 subsection¹ shall provide a ¹**customer** consumer¹ with a complete
3 written price list upon request.

4 (4) ¹**The business** A person subject to the requirements of this
5 subsection¹ shall display in a conspicuous place ¹on the premises in
6 a location which can be seen easily by consumers¹ at least one
7 clearly visible sign, printed in no less than 24-point boldface type,
8 which reads: “NEW JERSEY LAW PROHIBITS ANY BUSINESS
9 ESTABLISHMENT FROM DISCRIMINATING AGAINST A
10 PERSON BECAUSE OF THE PERSON’S GENDER, WITH
11 RESPECT TO THE PRICE CHARGED FOR SERVICES OF
12 SIMILAR OR LIKE KIND. A COMPLETE PRICE LIST IS
13 AVAILABLE UPON REQUEST.”

14 ¹(5) It shall be an unlawful practice for any person who offers or
15 provides tailoring or wearing apparel alteration services,
16 cosmetology and hairstyling services, or clothes laundering or dry
17 cleaning services to consumers to violate the requirements of this
18 subsection.

19 d. This section is not intended to provide an exclusive remedy
20 for discrimination based on gender with regard to the price charged
21 for merchandise offered for sale, and nothing in this section shall be
22 construed to bar, exclude, or otherwise affect any right or action,
23 including, but not limited to, any action that may arise under the
24 “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.),
25 that may exist in addition to or independently of any right to redress
26 against or specific relief for any practice that violates the provisions
27 of this section.¹

28 e. For the purposes of this section ¹**business**, “business” means a sole
29 proprietorship, partnership, corporation, association, or other entity,
30 however organized and whether or not organized to operate at a
31 profit, that offers services and products to New Jersey consumers **business**;

32 (1) “gender” means a person’s sex, gender identity, and gender
33 expression;

34 (2) “gender identity” means a person’s internal, deeply held
35 knowledge or sense of their own gender, regardless of the gender
36 they were assigned at birth; and

37 (3) “gender expression” means a person’s gender-related
38 appearance and behavior, whether or not stereotypically associated
39 with the person’s assigned gender at birth, including, but not limited
40 to, the manner in which a person represents or expresses their
41 gender to others, such as through their name, pronouns, titles,
42 clothing, hairstyle, voice, or mannerisms.¹

43
44 3. ¹**A violation of the provisions of section 2 of P.L. ,**
45 c. (C.) (pending before the Legislature as this bill) is an
46 unlawful practice pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) **The**
47 Director of the Division of Consumer Affairs in the Department of

1 Law and Public Safety shall adopt, pursuant to the “Administrative
2 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
3 regulations necessary for the implementation of this act. Prior to the
4 adoption of rules and regulations, and as necessary thereafter, the
5 Director may develop and issue guidance as the Director deems
6 necessary for the implementation of this act¹.

7

8 4. This act shall take effect on the first day of the fourth month
9 next following the date of enactment.