

STATEMENT TO

SENATE, No. 2039

with Senate Floor Amendments
(Proposed by Senator GILL)

ADOPTED: MARCH 25, 2021

These Senate amendments provide that the bill's prohibitions on gender-based price discrimination would apply to the sale of merchandise. As introduced, the bill prohibits gender-based price discrimination in the prices charged for a service or a consumer product. As amended, the bill would use the term "merchandise," which is defined in the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.) to include any objects, wares, goods, commodities, services or anything offered, directly or indirectly to the public for sale.

Additionally, the amendments provide the following definitions for "gender," "gender identity," and "gender expression":

(1) "gender" means a person's sex, gender identity, and gender expression;

(2) "gender identity" means a person's internal, deeply held knowledge or sense of their own gender, regardless of the gender they were assigned at birth; and

(3) "gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned gender at birth, including, but not limited to, the manner in which a person represents or expresses their gender to others, such as through their name, pronouns, titles, clothing, hairstyle, voice, or mannerisms.

Finally, the Senate amendments provide the Director of the Division of Consumer Affairs with rulemaking authority concerning the implementation of the provisions of the bill.