



General Assembly

February Session, 2026

Raised Bill No. 399

LCO No. 2479



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT PERMITTING SEPARATE AREAS FOR EXERCISE ON THE BASIS OF SEX IN HEALTH CLUBS AND GYMS AND CONCERNING THE DISPOSITION OF CASES BEFORE THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-64 of the 2026 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2026*):

4 (a) It shall be a discriminatory practice in violation of this section: (1)
5 To deny any person within the jurisdiction of this state full and equal
6 accommodations in any place of public accommodation, resort or
7 amusement because of race, creed, color, national origin, ancestry, sex,
8 gender identity or expression, marital status, age, lawful source of
9 income, intellectual disability, mental disability, physical disability,
10 including, but not limited to, blindness or deafness, status as a veteran,
11 status as a victim of domestic violence, status as a victim of sexual
12 assault or status as a victim of trafficking in persons, of the applicant,
13 subject only to the conditions and limitations established by law and
14 applicable alike to all persons; (2) to discriminate, segregate or separate

15 on account of race, creed, color, national origin, ancestry, sex, gender
16 identity or expression, marital status, age, lawful source of income,
17 intellectual disability, mental disability, learning disability, physical
18 disability, including, but not limited to, blindness or deafness, status as
19 a veteran, status as a victim of domestic violence, status as a victim of
20 sexual assault or status as a victim of trafficking in persons; (3) for a
21 place of public accommodation, resort or amusement to restrict or limit
22 the right of a mother to breast-feed her child; (4) for a place of public
23 accommodation, resort or amusement to refuse entry to a person with a
24 disability who is accompanied by a service animal; or (5) to deny any
25 person with a disability or any person training an animal as a service
26 animal to assist a person with a disability, accompanied by such service
27 animal, full and equal access to any place of public accommodation,
28 resort or amusement. Any person with a disability or any person
29 training an animal as a service animal may keep such service animal at
30 all times in such place of public accommodation, resort or amusement
31 at no extra charge, provided such service animal is in the direct custody
32 and control of such person. When it is not obvious what service an
33 animal provides, staff of a place of public accommodation, resort or
34 amusement may inquire of the owner or keeper whether such animal is
35 a service animal required because of a disability and what work or task
36 the animal has been trained to perform. Nothing in this subsection shall
37 preclude a business owner's ability to recover for damage caused to a
38 person or property by a service animal. For the purposes of this
39 subsection, "disability" and "service animal" have the same meanings as
40 provided in section 22-345 and "place of public accommodation, resort
41 or amusement" has the same meaning as provided in section 46a-44.

42 (b) (1) The provisions of this section with respect to the prohibition of
43 sex discrimination shall not apply to (A) the rental of sleeping
44 accommodations provided by associations and organizations which
45 rent all such sleeping accommodations on a temporary or permanent
46 basis for the exclusive use of persons of the same sex, [or] (B) separate
47 bathrooms or locker rooms based on sex, or (C) separate areas for

48 engaging in exercise within a health club or gym based on sex. (2) The
49 provisions of this section with respect to the prohibition of
50 discrimination on the basis of age shall not apply to minors or to special
51 discount or other public or private programs to assist persons sixty
52 years of age and older. (3) The provisions of this section with respect to
53 the prohibition of discrimination on the basis of physical disability shall
54 not require any person to modify his property in any way or provide a
55 higher degree of care for a physically disabled person, including, but
56 not limited to blind or deaf persons, than for a person not physically
57 disabled. (4) The provisions of this section with respect to the
58 prohibition of discrimination on the basis of creed shall not apply to the
59 practice of granting preference in admission of residents into a nursing
60 home as defined in section 19a-490, if (A) the nursing home is owned,
61 operated by or affiliated with a religious organization, exempt from
62 taxation for federal income tax purposes and (B) the class of persons
63 granted preference in admission is consistent with the religious mission
64 of the nursing home. (5) The provisions of this section with respect to
65 the prohibition of discrimination on the basis of lawful source of income
66 shall not prohibit the denial of full and equal accommodations solely on
67 the basis of insufficient income.

68 (c) Any person who violates any provision of this section shall be
69 guilty of a class D misdemeanor.

70 Sec. 2. Subsection (e) of section 46a-83 of the general statutes is
71 repealed and the following is substituted in lieu thereof (*Effective October*
72 *1, 2026*):

73 (e) If the complaint is not resolved after the mandatory mediation
74 conference, the complainant, the respondent or the commission may at
75 any time after such conference and before a draft investigative report is
76 issued request early legal intervention. If a request for early legal
77 intervention is made, a commission legal counsel shall determine not
78 later than ninety days after the date of the request whether the
79 complaint should be (1) heard pursuant to section 46a-84, (2) processed

80 pursuant to subsection (f) of this section, or (3) released from the
81 jurisdiction of the commission. In making such determination,
82 commission legal counsel may hold additional proceedings and may
83 utilize and direct commission staff. If a commission legal counsel
84 determines that the complaint should be processed pursuant to
85 subsection (f) of this section, the commission legal counsel may
86 recommend that the investigator make a finding of no reasonable cause.
87 The investigator shall make such a finding unless the investigator
88 believes the commission legal counsel made a mistake of fact. If the
89 investigator intends to make a finding of reasonable cause after the
90 commission legal counsel recommends otherwise, the investigator shall
91 consult with the commission legal counsel.

92 Sec. 3. Section 46a-94a of the general statutes is repealed and the
93 following is substituted in lieu thereof (*Effective October 1, 2026*):

94 (a) The commission, any respondent or any complainant, aggrieved
95 by a final order of a presiding officer, may appeal to the Superior Court
96 in accordance with section 4-183. Any complainant may appeal to the
97 Superior Court in accordance with section 4-183 if the complainant is
98 aggrieved by (1) the dismissal of his or her complaint by the commission
99 for failure to attend a mandatory mediation session as provided in
100 subsection (m) of section 46a-83, (2) a finding of no reasonable cause as
101 provided in subsection (g) of section 46a-83, or (3) rejection of
102 reconsideration as provided in subsection (h) of section 46a-83.

103 (b) Notwithstanding the provisions of subsection (a) of this section, a
104 complainant may not appeal the dismissal of his or her complaint if he
105 or she has been granted a release pursuant to section 46a-101.

106 (c) The commission on its own motion may, whenever justice so
107 requires, reopen any [matter] complaint previously closed. [, provided
108 such matter has not been appealed to the Superior Court pursuant to
109 subsection (a) of this section.] Notice of such reopening shall be given to
110 all parties. A complainant or respondent may, for good cause shown, in

111 the interest of justice, apply in writing for the reopening of a previously
112 closed proceeding, provided such application is filed with the executive
113 director of the commission within two years of the [commission's]
114 commission's final decision and the complainant has (1) not been issued
115 a release of jurisdiction pursuant to section 46a-83a, as amended by this
116 act, and filed a civil action; [, or] (2) not requested and received a release
117 of jurisdiction from the commission pursuant to section 46a-101; (3) not
118 been issued a release of jurisdiction pursuant to subsection (c) of section
119 46a-83 and filed a civil action; (4) not been issued a final decision at the
120 commission's office of public hearings; or (5) not appealed the final
121 agency decision to the Superior Court.

122 (d) The standards for reopening a matter [may include, but are not
123 limited to] are as follows: (1) A material mistake of fact or law has
124 occurred; (2) the finding is arbitrary or capricious; (3) the finding is
125 clearly erroneous in view of the reliable, probative and substantial
126 evidence on the whole record; [and] or (4) new evidence has been
127 discovered which materially affects the merits of the case and which, for
128 good reasons, was not presented during the investigation.

129 Sec. 4. Subsection (c) of section 46a-55 of the general statutes is
130 repealed and the following is substituted in lieu thereof (*Effective October*
131 *1, 2026*):

132 (c) The executive director may, within available appropriations,
133 assign a commission legal counsel to bring a civil action concerning an
134 alleged discriminatory practice, in accordance with this subsection, in
135 lieu of an administrative hearing pursuant to section 46a-84, when the
136 executive director determines that a civil action is in the public interest
137 and if the parties to the administrative hearing mutually agree, in
138 writing, to the bringing of such civil action by commission legal counsel.
139 The commission legal counsel shall bring such a civil action in the
140 Superior Court not later than ninety days following the date the
141 commission legal counsel notifies the parties of the executive director's
142 determination. Such civil action may be served by certified mail and

143 shall not be subject to the provisions of section 46a-100 [,] or 46a-101. [or
144 46a-102.] The jurisdiction of the Superior Court in an action brought
145 under this subsection shall be limited to such claims, counterclaims,
146 defenses or the like that could be presented at an administrative hearing
147 before the commission, had the complaint remained with the
148 commission for disposition. A complainant may intervene as a matter
149 of right without permission of the court or the parties. The civil action
150 shall be tried to the court without a jury. If the commission legal counsel
151 determines that the interests of the state will not be adversely affected,
152 the complainant or attorney for the complainant shall present all or part
153 of the case in support of the complaint. The court may grant any relief
154 available under section 46a-104. Where the Superior Court finds that a
155 respondent has committed a discriminatory practice, the court shall
156 grant the commission its fees and costs and award the commission a
157 civil penalty, not exceeding ten thousand dollars, provided such
158 discriminatory practice has been established by clear and convincing
159 evidence, which shall be payable to the commission and used by the
160 commission to advance the public interest in eliminating discrimination.

161 Sec. 5. Subsection (b) of section 46a-82b of the general statutes is
162 repealed and the following is substituted in lieu thereof (*Effective October*
163 *1, 2026*):

164 (b) If the commission fails to issue a determination of reasonable
165 cause or no reasonable cause on any such complaint not later than
166 January 1, 1997, the executive director of the commission shall issue
167 forthwith a release of the complaint from the commission, allowing the
168 complainant to bring a civil action. Upon receipt of a release pursuant
169 to this section, the complainant may bring a civil action in accordance
170 with the provisions of sections 46a-100, 46a-101, 46a-103 and 46a-104. [,]
171 notwithstanding the statute of limitations pursuant to section 46a-102.]

172 Sec. 6. Section 46a-83a of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective October 1, 2026*):

174 If a complaint is dismissed for failure to accept full relief pursuant to
175 subsection (m) of section 46a-83, and the complainant does not request
176 reconsideration of such dismissal as provided in subsection (h) of
177 section 46a-83, the executive director shall issue a release of jurisdiction
178 and the complainant may, within ninety days of receipt of the release
179 from the commission, bring an action in accordance with sections 46a-
180 100, [and 46a-102 to 46a-104, inclusive] 46a-103 and 46a-104.

181 Sec. 7. Section 46a-102 of the general statutes is repealed. (*Effective*
182 *October 1, 2026*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2026</i>	46a-64
Sec. 2	<i>October 1, 2026</i>	46a-83(e)
Sec. 3	<i>October 1, 2026</i>	46a-94a
Sec. 4	<i>October 1, 2026</i>	46a-55(c)
Sec. 5	<i>October 1, 2026</i>	46a-82b(b)
Sec. 6	<i>October 1, 2026</i>	46a-83a
Sec. 7	<i>October 1, 2026</i>	Repealer section

Statement of Purpose:

To (1) permit health clubs and gyms to offer separate areas for exercise on the basis of sex, and (2) make statutory changes to commission processes involving requests for early legal intervention, the reopening of previously closed complaints and time parameters for pursuing a complaint in court.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]