

AN ACT

---

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

---

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To amend the Advisory Neighborhood Commissions Act of 1975, the District of Columbia Government Comprehensive Merit Personnel Act of 1978, the District of Columbia Election Code of 1955, the Office of Human Rights Establishment Act of 1999, the District of Columbia Health Occupations Revision Act of 1985, the Homeless Services Reform Act of 2005, the Office of Citizen Complaint Review Establishment Act of 1998, the Mental Health Consumers' Rights Protection Act of 2001, Title 16 of the District of Columbia Official Code, An Act To establish a code of law for the District of Columbia, the Bias-Related Crime Act of 1989, the National Capital Revitalization and Self-Government Improvement Act of 1997, An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, the Prohibition of Discrimination in the Provision of Insurance Act of 1986, the Insurance Trade Economic Development Amendment Act of 2000, the Employment Services Licensing and Regulation Act of 1984, and the Retail Electric Competition and Consumer Protection Act of 1999 to prohibit discrimination based on gender identity or expression.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition of Discrimination on the Basis of Gender Identity and Expression Amendment Act of 2008".

Sec. 2. The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

(a) Section 2(c) (D.C. Official Code § 1-309.01(c)) is amended by adding a new paragraph (4) to read as follows:

Amend  
§ 1-309.01

“(4) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 1-1401.02(12A)).”

(b) Section 14(f) (D.C. Official Code § 1-309.11(f)) is amended by striking the phrase “or sexual orientation” and inserting the phrase “sexual orientation, or gender identity or expression” in its place.

Amend  
§ 1-309.11

**ENROLLED ORIGINAL**

Sec. 3. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 103(b)(5) (D.C. Official Code § 1-601.02(b)(5)) is amended by striking the phrase “sexual orientation or preference” and inserting the phrase “sexual orientation, gender identity or expression” in its place.

**Amend  
§ 1-601.02**

(b) Section 301 (D.C. Official Code § 1-603.01) is amended by adding a new paragraph (i-1) to read as follows:

**Amend  
§ 1-603.01**

“(i-1) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”.

Sec. 4. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.01) is amended by adding a new paragraph (24) to read as follows:

**Amend  
§ 1-1001.01**

“(24) The term “gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”.

(b) Section 9(d)(2) (D.C. Official Code § 1-1001.09 (d)(2)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place.

**Amend  
§ 1-1001.09**

Sec. 5. Section 203 of the Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.02), is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression (as defined in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)))” in its place.

**Amend  
§ 2-1411.02**

Sec. 6. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01), is amended as follows:

(a) Section 101 (D.C. Official Code § 3-1201.01) is amended by adding a new paragraph (6A) to read as follows:

**Amend  
§ 3-1201.01**

“(6A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”.

(b) Section 831(b)(2)(C)(ii) (D.C. Official Code § 3-1208.31(b)(2)(C)(ii)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place.

**Amend  
§ 3-1208.31**

**ENROLLED ORIGINAL**

Sec. 7. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-754.01) is amended by adding a new paragraph (17A) to read as follows: **Amend § 4-754.01**

“(17A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”

(b) Section 9(2) (D.C. Official Code § 4-754.11(2)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place. **Amend § 4-754.11**

(c) Section 12(10) (D.C. Official Code § 4-754.21(10)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place. **Amend § 4-754.21**

Sec. 8. The Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 5-1103) is amended by adding a new paragraph (3A) to read as follows: **Amend § 5-1103**

“(3A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”

(b) Section 8(a)(4) (D.C. Official Code § 5-1107(a)(4)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place. **Amend § 5-1107**

Sec. 9. The Mental Health Consumers' Rights Protection Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1231.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 7-1231.01) is amended by adding a new paragraph (11A) to read as follows: **Amend § 7-1231.01**

“(11A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”

(b) Section 204(b) (D.C. Official Code § 7-1231.04(b)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place. **Amend § 7-1231.04**

**ENROLLED ORIGINAL**

Sec. 10. Chapter 9 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-901 is amended by adding a new paragraph (6A) to read as follows: **Amend § 16-901**  
“(6A) “Gender identity or expression” shall have the same meaning as provided in § 2-1401.02(12A)).”

(b) Section 16-914(a)(1)(A) is amended by striking the phrase “or sexual orientation” and inserting the phrase “sexual orientation, or gender identity or expression” in its place. **Amend § 16-914**

Sec. 11. Section 801a(b)(7) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2104.01(b)(7)), is amended by striking the phrase “or sexual orientation” and inserting the phrase “sexual orientation, or gender identity or expression (as defined in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A))),” in its place. **Amend § 22-2104.01**

Sec. 12. The Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121; D.C. Official Code § 22-3701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-3701) is amended as follows: **Amend § 22-3701**  
(1) Paragraph (1) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, or gender identity or expression” in its place.

(2) A new paragraph (3) is added to read as follows:  
“(3) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”

(b) Section 5(a) (D.C. Official Code § 22-3704(a)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place. **Amend § 22-3704**

Sec. 13. Section 11212(d)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 741; D.C. Official Code § 24-112(d)(1)), is amended by striking the phrase “and sexual orientation” and inserting the phrase “sexual orientation, and gender identity or expression (as defined in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A))),” in its place. **Amend § 24-112**

Sec. 14. Section 3(b-2)(2)(A) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403.01(b-2)(2)(A)), is amended by striking the phrase “national origin or sexual orientation” and inserting the phrase “national origin, sexual orientation, or gender identity or expression (as defined in section 102(12) of the **Amend § 24-403.01**

Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)),” in its place.

Sec. 15. The Prohibition of Discrimination in the Provision of Insurance Act of 1986, effective August 7, 1986 (D.C. Law 6-132; D.C. Official Code § 31-1601 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-1601) is amended by adding a new paragraph (3A) to read as follows:

Amend § 31-1601

“(3A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”

(b) Section 4(b) (D.C. Official Code § 31-1603(b)) is amended by striking the phrase “sexual orientation” wherever it appears and inserting the phrase “sexual orientation, gender identity or expression” in its place.

Amend § 31-1603

(c) Section 11 (D.C. Official Code § 31-1610) is amended as follows:

Amend § 31-1610

(1) Subsection (a) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation or gender identity or expression” in its place.

(2) Subsection (b) is amended by striking the phrase “Sexual orientation shall not” and inserting the phrase “Sexual orientation or gender identity or expression, shall not” in its place.

(3) Subsection (c) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation or gender identity or expression” in its place.

(4) Subsection (d) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place.

Sec. 16. The Insurance Trade Economic Development Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-265; D.C. Official Code § 31-2231.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 31-2231.01) is amended by adding a new paragraph (3A) to read as follows:

Amend § 31-2231.01

“(3A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”

(b) Section 111(c) (D.C. Official Code § 31-2231.11(c)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place.

Amend § 31-2231.11

(c) Section 113(d) (D.C. Official Code § 31-2231.13(d)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place.

Amend § 31-2231.13

**ENROLLED ORIGINAL**

Sec. 17. The Employment Services Licensing and Regulation Act of 1984, effective March 13, 1985 (D.C. Law 5-136; D.C. Official Code § 32-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 32-401) is amended by adding a new paragraph (17A) to read as follows:

**Amend  
§ 32-401**

“(17A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 32-1401.02(12A)).”

(b) Section 9 (D.C. Official Code § 32-408) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place.

**Amend  
§ 32-408**

Sec. 18. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 34-1501) is amended by adding a new paragraph (17A) to read as follows:

**Amend  
§ 34-1501**

“(17A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”

(b) Section 107(f) (D.C. Official Code § 34-1507(f)) is amended by striking the phrase “or sexual orientation” and inserting the phrase “sexual orientation, or gender identity or expression” in its place.

**Amend  
§ 34-1507**

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 20. Effective date

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

**ENROLLED ORIGINAL**

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

---

Chairman  
Council of the District of Columbia

---

Mayor  
District of Columbia