

# HB3507



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3507

Introduced 2/17/2023, by Rep. Lilian Jiménez

### SYNOPSIS AS INTRODUCED:

New Act

Creates the Gender Tax Repeal Act. Provides that a business shall not charge a different price for any goods or services that are substantially similar if those goods are priced differently based on the gender of the individuals for whom the goods are marketed and intended. Provides for civil penalties. Provides that the Act does not alter or affect the provisions of the Insurance Code or other laws that govern health care service plans or insurer underwriting or rating practices.

LRB103 27801 SPS 54179 b

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Gender  
5 Tax Repeal Act.

6 Section 5. Definitions. As used in this Act:

7 "Business" means any business acting in this State that  
8 sells goods or services to any individual or entity,  
9 including, but not limited to, retailers, suppliers,  
10 manufacturers, and distributors.

11 "Goods" means any consumer products used, bought, or  
12 rendered primarily for personal, family, or household  
13 purposes.

14 "Services" means work or labor of any kind rendered or  
15 furnished or agreed to be rendered or furnished by a business.

16 "Substantially similar" means different goods that exhibit  
17 all of the following characteristics:

18 (1) no substantial differences in the materials used  
19 in production;

20 (2) the intended use is similar;

21 (3) the functional design and features are similar;

22 and

23 (4) the brand is the same or both brands are owned by

1 the same individual or entity.

2 "Substantially similar" does not include goods that are  
3 only different in coloring.

4 Section 10. Prohibition on gender discrimination in the  
5 sale of goods.

6 (a) A business shall not charge a different price for any  
7 goods that are substantially similar if those goods are priced  
8 differently based on the gender of the individuals for whom  
9 the goods are marketed and intended.

10 (b) Nothing in subsection (a) prohibits differences in the  
11 price of goods based specifically upon any of the following:

12 (1) the amount of time it took to manufacture those  
13 goods;

14 (2) the difficulty in manufacturing those goods;

15 (3) the cost incurred in manufacturing those goods;

16 (4) the labor used in manufacturing those goods;

17 (5) the materials used in manufacturing those goods;

18 or

19 (6) any other gender-neutral reason for charging a  
20 different price for those goods.

21 Section 15. Prohibition on gender discrimination in the  
22 sale of services.

23 (a) A business shall not charge a different price for any  
24 services that are substantially similar if those services are

1 priced differently based on the gender of the individuals for  
2 whom the services are marketed and intended.

3 (b) Nothing in subsection (a) prohibits differences in  
4 services based specifically upon any of the following:

5 (1) the amount of time it took to provide those  
6 services;

7 (2) the difficulty in providing those services;

8 (3) the cost incurred in providing those services;

9 (4) the labor used in providing those services;

10 (5) the materials used in providing those services; or

11 (6) any other gender-neutral reason for charging a  
12 different price for those services.

13 (c) The following businesses shall clearly and  
14 conspicuously disclose to the customer in writing the pricing  
15 for each standard service provided:

16 (1) tailors or businesses providing aftermarket  
17 clothing alterations;

18 (2) barbers or hair salons; and

19 (3) dry cleaners and laundries providing services to  
20 individuals.

21 (d) The price list of services shall be posted in an area  
22 conspicuous to customers. The posted price lists shall be in  
23 no less than 14-point boldface type and clearly and completely  
24 display pricing for every standard service offered by the  
25 business. The business establishment shall provide the  
26 customer with a complete written price list upon request.

1 Section 20. Violations; civil penalties.

2 (a) Notwithstanding any other law, if the Attorney General  
3 has cause to believe that a violation of this Act has occurred,  
4 the Attorney General may, upon notice to the defendant of not  
5 less than 5 days, seek a court order to enjoin and restrain the  
6 continuance of those violations.

7 (b) If a court finds that the defendant has violated this  
8 Act, an injunction may be issued by the court enjoining or  
9 restraining any violation, without requiring proof that any  
10 person has, in fact, been injured or damaged thereby. The  
11 court may make direct restitution, if applicable. In  
12 connection with the proposed application for an injunction,  
13 the Attorney General is authorized to take proof and make a  
14 determination of the relevant facts and to issue subpoenas in  
15 accordance with the civil practice law and rules.

16 (c) If a court finds that the defendant has violated this  
17 Act, the court may impose a civil penalty not to exceed \$10,000  
18 for the first violation, and a civil penalty not to exceed  
19 \$1,000 for each subsequent violation. The total civil penalty  
20 imposed pursuant to this subsection shall not exceed \$100,000.

21 (d) Notwithstanding subsection (c), a court may impose  
22 additional civil penalties upon a defendant exceeding \$100,000  
23 if the defendant subsequently violates this Act with respect  
24 to the same goods or services for which the maximum civil  
25 penalty has been previously imposed under a separate civil

1 action or for any good or service for which the Attorney  
2 General has not brought civil action under this Act.

3 (e) For the purposes of this Section, each instance of  
4 charging a different price for goods or services that are  
5 substantially similar shall constitute a single violation.

6 Section 25. Applicability. This Act does not alter or  
7 affect the provisions of the Insurance Code or other laws that  
8 govern health care service plans or insurer underwriting or  
9 rating practices.