



Legislative Testimony  
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**Written Testimony Supporting Senate Bill 189, An Act Prohibiting Sex or Gender-Based Differential Pricing for Substantially Similar Goods or Services**

Senator Maroney, Representative D’Agostino, Ranking Members Witkos and Rutigliano, and the distinguished members of the General Law Committee:

My name is Jess Zaccagnino and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 189, An Act Prohibiting Sex or Gender-Based Differential Pricing for Substantially Similar Goods or Services.

We strongly encourage this Committee to support Senate Bill 189. The ACLU-CT believes that all people should have equal access to goods and services, free from sex and gender-based discrimination. Not only do women face unfair employment practices that result in a gender pay gap,<sup>1</sup> but women also encounter gender-based discrimination when it comes to their experience as consumers. This nefarious form of discrimination, also called the “pink tax,” results in women being charged more for both consumer goods<sup>2</sup> and services.<sup>3</sup>

As of 2018, employers pay women in Connecticut only 84 percent of what they pay men.<sup>4</sup> This gap is even more pronounced among women of color: in Connecticut,

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<sup>1</sup> NWLC *Connecticut*, NAT’L WOMEN’S L. CTR. (2018), available at <https://nwlc.org/state/connecticut/>.

<sup>2</sup> *From Cradle to Cane: The Cost of Being a Female Consumer*, N.Y. CITY DEPT. OF CONSUMER AFFAIRS (Dec. 2015), available at <http://www1.nyc.gov/assets/dca/downloads/pdf/partners/Study-of-Gender-Pricing-in-NYC.pdf>.

<sup>3</sup> Megan Duesterhas, Liz Grauerholz, Rebecca Weichsel & Nicholas A. Guittar, *The Cost of Doing Femininity: Gendered Disparities in Pricing of Personal Care Products and Services*, 28 GENDER ISSUES at 175191 (Dec. 2011), <http://link.springer.com/article/10.1007/s12147-011-9106-3>.

<sup>4</sup> NWLC, *supra* note 1.

employers pay Latinas 48 percent of what white men are paid, and Black women 57 percent of what white men are paid.<sup>5</sup> Nationwide, employers pay Native Hawaiian and Pacific Islander women 59 percent of what white men are paid, and American Indian and Alaskan Native women 57 percent of what white men are paid.<sup>6</sup> The pay gap increases with age<sup>7</sup> and affects people across education levels.

This is compounded by the pink tax, where women frequently pay substantially more for similar goods and services. Although manufacturers and retailers have claimed that this price differential results from higher costs for producing women's products, there is significant evidence that products are practically identical.<sup>8</sup> Products impacted by the pink tax include basic necessities. For example, *Consumer Reports* compared the pricing of common drugstore products like shaving cream, deodorant, and body wash, and found that “products directed at women—through packaging, description or name—might cost up to 50 percent more than similar products for men.”<sup>9</sup>

The legislature has led the fight against gender-based pay discrimination. Senate Bill 189 is an excellent step forward in combatting the discrimination that women face as consumers in Connecticut. We encourage members of this Committee to support this and other efforts to eradicate gender-based discrimination in our state.

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<sup>5</sup> *Id.*

<sup>6</sup> *The Simple Truth About the Gender Pay Gap*, AM. ASS'N OF UNIV. WOMEN (Sept. 2017), available at <https://www.aauw.org/files/2017/09/TheSimpleTruthFall2017OnePager-nsa.pdf>.

<sup>7</sup> *Gender Pay Gap at Its Widest Among Women in Their 50s*, INDEPENDENT (Oct. 28, 2019), available at <https://www.independent.co.uk/life-style/women/gender-pay-gap-women-50s-age-salaries-rest-less-ons-a9173796.html>.

<sup>8</sup> *The Pink Tax: How Gender-Based Pricing Hurts Women's Buying Power*, Joint Economic Committee, United States Congress (Dec. 2016), available at <https://www.jec.senate.gov/public/cache/files/8a42df04-8b6d-4949-b20b-6f40a326db9e/the-pink-tax--how-gender-based-pricing-hurts-women-s-buying-power.pdf>.

<sup>9</sup> *Men Win the Battle of the Sexes*, CONSUMER REPORTS (Jan. 2010), <https://www.consumerreports.org/cro/2012/05/men-win-the-battle-of-the-sexes/index.htm>; see also Duesterhas, *supra* note 3.