



Legislative Testimony  
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**Written Testimony Supporting House Bill 6638, An Act Revising the State's Antidiscrimination Statutes**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in strong support of House Bill 6638, An Act Revising the State's Antidiscrimination Statutes.

The ACLU-CT believes that LGBTQ+ people belong everywhere and can live openly and authentically without discrimination, harassment, or violence. LGBTQ+ people should be able to participate fully in life free from discrimination based on sexual orientation and gender identity on the job; in housing; when shopping or getting services at restaurants, hotels, or other public places; and when accessing government programs and services.

In 1991, Connecticut followed a number of its neighbors, including New York, Massachusetts, and Rhode Island, in protecting against discrimination on the basis of sexual orientation. But, the thirty-two year old definition of "sexual orientation" is inaccurate and outdated and reinforces harmful stereotypes about LGBTQ+ people. House Bill 6638 seeks to modernize our general statutes to do away with these inaccuracies.

The definition of sexual orientation currently in statute is only one of four that references a preference for a particular gender. This archaic phrasing suggests that sexuality is mutable and a choice, that people simply prefer a partner of the same

sex.<sup>1</sup> This downplays the fact that LGBTQ+ people are a discrete and insular minority deserving of constitutional protection. Sexual orientation, instead, conveys that sexuality is a fundamental trait. Even worse, the statute references Connecticut's penal code in its definition, playing into the old and patently wrong criminalization of homosexuality.<sup>2</sup> Connecticut is currently one of eight states with language explicitly excluding behavior that is already criminalized from the definition of sexual orientation. Finally, the current statute refers to a "preference for heterosexuality, homosexuality, or bisexuality," which fails to recognize the wide variety of sexualities, like asexuality, pansexuality, and people whose sexuality is fluid.<sup>3</sup> The new definition proposed by a bill adequately addresses all three concerns and moves Connecticut's anti-discrimination statutes into line with the majority of states.

House Bill 6638 makes two changes to our anti-discrimination statutes. First, it adds "age" to protected classes under § 46a-58, ensuring that more people are protected from discrimination and applying the federal Age Discrimination in Employment Act to state law. Second, it modernizes the existing definition of sexual orientation, moving away from thirty-year-old outdated and offensive terminology. As such, the ACLU-CT supports House Bill 6638, and urges this Committee to do the same.

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<sup>1</sup> Mark Joseph Stern, *Why Amy Coney Barrett's Use of "Sexual Preference" Is So Alarming*, SLATE (Oct. 13, 2020), <https://slate.com/news-and-politics/2020/10/amy-coney-barrett-sexual-preference-term.html>.

<sup>2</sup> *Id.*

<sup>3</sup> See, e.g., *What is Sexual Orientation?*, CLEVELAND CLINIC (Mar. 31, 2022), <https://health.clevelandclinic.org/types-of-sexual-orientation/>.