

5359

2011-2012 Regular Sessions

I N A S S E M B L Y

February 16, 2011

Introduced by M. of A. AUBRY -- read once and referred to the Committee
on Governmental Operations

AN ACT to amend the executive law, in relation to unlawful discriminatory
practices

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 9 of section 292 of the executive law, as
2 amended by chapter 262 of the laws of 1994, is amended to read as
3 follows:
4 9. The term "place of public accommodation, resort or amusement" shall
5 include, except as hereinafter specified, all places included in the
6 meaning of such terms as: inns, taverns, road houses, hotels, motels,
7 whether conducted for the entertainment of transient guests or for the
8 accommodation of those seeking health, recreation or rest, or restaurants,
9 or eating houses, or any place where food is sold for consumption
10 on the premises; buffets, saloons, barrooms, or any store, park or
11 enclosure where spirituous or malt liquors are sold; ice cream parlors,
12 confectionaries, soda fountains, and all stores where ice cream, ice and
13 fruit preparations or their derivatives, or where beverages of any kind
14 are retailed for consumption on the premises; wholesale and retail
15 stores and establishments dealing with goods or services of any kind,
16 dispensaries, clinics, hospitals, bath-houses, swimming pools, laundries
17 and all other cleaning establishments, barber shops, beauty parlors,
18 theatres, motion picture houses, airdromes, roof gardens, music halls,
19 race courses, skating rinks, amusement and recreation parks, trailer
20 camps, resort camps, fairs, bowling alleys, golf courses, gymnasiums,
21 shooting galleries, billiard and pool parlors; garages, all public
22 conveyances operated on land or water or in the air, as well as the
23 stations and terminals thereof; travel or tour advisory services, agencies
24 or bureaus; public halls and public elevators of buildings and
25 structures occupied by two or more tenants, or by the owner and one or

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD06331-01-1

1 more tenants; INSTITUTIONS, CLUBS OR PLACES OF ACCOMMODATION WHICH ARE
2 LICENSED BY THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, OR ARE THE
3 RECIPIENTS OF ANY FORM OF ABATEMENT OR EXEMPTION FROM TAXES, IN WHOLE OR
4 IN PART, FROM THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS. Such term
5 shall not include public libraries, kindergartens, primary and secondary
6 schools, high schools, academies, colleges and universities, extension
7 courses, and all educational institutions under the supervision of the
8 regents of the state of New York; any such public library, kindergarten,
9 primary and secondary school, academy, college, university, professional
10 school, extension course or other education facility, supported in whole
11 or in part by public funds or by contributions solicited from the gener-
12 al public; or any institution, club or place of accommodation which
13 proves that it is in its nature distinctly private. In no event shall an
14 institution, club or place of accommodation be considered in its nature
15 distinctly private if it has more than one hundred members, provides
16 regular meal service and regularly receives payment for dues, fees, use
17 of space, facilities, services, meals or beverages directly or indirect-
18 ly from or on behalf of a nonmember for the furtherance of trade or
19 business. An institution, club, or place of accommodation which is not
20 deemed distinctly private pursuant to this subdivision may nevertheless
21 apply such selective criteria as it chooses in the use of its facili-
22 ties, in evaluating applicants for membership and in the conduct of its
23 activities, so long as such selective criteria do not constitute discri-
24 minatory practices under this article or any other provision of law. For
25 the purposes of this section, a corporation incorporated under the
26 benevolent orders law or described in the benevolent orders law but
27 formed under any other law of this state or a religious corporation
28 incorporated under the education law or the religious corporations law
29 shall be deemed to be in its nature distinctly private AND IS NOT
30 LICENSED BY THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS AND IS NOT
31 THE RECIPIENT OF ANY FORM OF ABATEMENT OR EXEMPTION FROM TAXES, IN WHOLE
32 OR IN PART, FROM THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS.

33 No institution, club, organization or place of accommodation which
34 sponsors or conducts any amateur athletic contest or sparring exhibition
35 and advertises or bills such contest or exhibition as a New York state
36 championship contest or uses the words "New York state" in its announce-
37 ments shall be deemed a private exhibition within the meaning of this
38 section.

39 S 2. This act shall take effect on the first of September next
40 succeeding the date on which it shall have become a law.