

STATE OF NEW YORK

3971--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 89 of the laws of 2015, is amended to read as
3 follows:

4 9. The term "place of public accommodation, resort or amusement" shall
5 include, regardless of whether the owner or operator of such place is a
6 state or local government entity or a private individual or entity,
7 except as hereinafter specified, all places included in the meaning of
8 such terms as: inns, taverns, road houses, hotels, motels, whether
9 conducted for the entertainment of transient guests or for the accommo-
10 dation of those seeking health, recreation or rest, or restaurants, or
11 eating houses, or any place where food is sold for consumption on the
12 premises; buffets, saloons, barrooms, or any store, park or enclosure
13 where spirituous or malt liquors are sold; ice cream parlors, confec-
14 tionaries, soda fountains, and all stores where ice cream, ice and fruit
15 preparations or their derivatives, or where beverages of any kind are
16 retailed for consumption on the premises; wholesale and retail stores
17 and establishments dealing with goods or services of any kind, dispen-
18 saries, clinics, hospitals, bath-houses, swimming pools, laundries and
19 all other cleaning establishments, barber shops, beauty parlors, thea-
20 tres, motion picture houses, airdromes, roof gardens, music halls, race
21 courses, skating rinks, amusement and recreation parks, trailer camps,
22 resort camps, fairs, bowling alleys, golf courses, gymnasiums, shooting

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

LBD08077-03-9

1 galleries, billiard and pool parlors; garages, all public conveyances
2 operated on land or water or in the air, as well as the stations and
3 terminals thereof; travel or tour advisory services, agencies or
4 bureaus; public halls, public rooms, public elevators, and any public
5 areas of any building or structure; institutions, clubs or places of
6 accommodation which are licensed by the state or any of its political
7 subdivisions, or are the recipients of any form of abatement or
8 exemption from taxes, in whole or in part, from the state or any of its
9 political subdivisions. Such term shall not include kindergartens,
10 primary and secondary schools, high schools, academies, colleges and
11 universities, extension courses, and all educational institutions under
12 the supervision of the regents of the state of New York; any such
13 kindergarten, primary and secondary school, academy, college, universi-
14 ty, professional school, extension course or other education facility,
15 supported in whole or in part by public funds or by contributions solic-
16 ited from the general public; or any institution, club or place of
17 accommodation which proves that it is in its nature distinctly private.
18 In no event shall an institution, club or place of accommodation be
19 considered in its nature distinctly private if it has more than one
20 hundred members, provides regular meal service and regularly receives
21 payment for dues, fees, use of space, facilities, services, meals or
22 beverages directly or indirectly from or on behalf of a nonmember for
23 the furtherance of trade or business. An institution, club, or place of
24 accommodation which is not deemed distinctly private pursuant to this
25 subdivision may nevertheless apply such selective criteria as it chooses
26 in the use of its facilities, in evaluating applicants for membership
27 and in the conduct of its activities, so long as such selective criteria
28 do not constitute discriminatory practices under this article or any
29 other provision of law. For the purposes of this section, a corporation
30 incorporated under the benevolent orders law or described in the benevo-
31 lent orders law but formed under any other law of this state and that is
32 not licensed by the state or any of its political subdivisions and is
33 not the recipient of any form of abatement or exemption from taxes, in
34 whole or in part, from the state or any of its political subdivisions,
35 or a religious corporation incorporated under the education law or the
36 religious corporations law shall be deemed to be in its nature distinct-
37 ly private.

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

44 § 2. This act shall take effect on the first of September next
45 succeeding the date on which it shall have become a law.