

# STATE OF NEW YORK

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4217

2021-2022 Regular Sessions

## IN SENATE

February 3, 2021

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Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government 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 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  
23 galleries, billiard and pool parlors; garages, all public conveyances  
24 operated on land or water or in the air, as well as the stations and

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

LBD00414-01-1

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

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

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