

REFERENCE TITLE: public accommodations; antidiscrimination

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HB 2414

Introduced by  
Representatives Mach, Mendez, Meyer

AN ACT

AMENDING SECTIONS 41-1441 AND 41-1442, ARIZONA REVISED STATUTES; RELATING TO  
CIVIL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1441, Arizona Revised Statutes, is amended to  
3 read:

4 41-1441. Definitions

5 In this article, unless the context otherwise requires:

6 1. "GENDER IDENTITY" MEANS THE GENDER-RELATED IDENTITY, APPEARANCE OR  
7 MANNERISMS OR OTHER GENDER-RELATED CHARACTERISTICS OF AN INDIVIDUAL,  
8 REGARDLESS OF THE INDIVIDUAL'S DESIGNATED SEX AT BIRTH.

9 ~~1.~~ 2. "Person" means an individual, corporation, partnership,  
10 unincorporated association, or other organization, and includes the owner,  
11 lessee, operator, proprietor, manager, superintendent, agent, or employee of  
12 any place of public accommodation.

13 ~~2.~~ 3. "Places of public accommodation" means all public places of  
14 entertainment, amusement or recreation, all public places where food or  
15 beverages are sold for consumption on the premises, all public places which  
16 are conducted for the lodging of transients or for the benefit, use or  
17 accommodation of those seeking health or recreation and all establishments  
18 which cater or offer their services, facilities or goods to or solicit  
19 patronage from the members of the general public. Any dwelling as defined in  
20 section 41-1491, or any private club, or any place which is in its nature  
21 distinctly private is not a place of public accommodation.

22 4. "SEXUAL ORIENTATION" MEANS HOMOSEXUALITY, HETEROSEXUALITY OR  
23 BISEXUALITY.

24 Sec. 2. Section 41-1442, Arizona Revised Statutes, is amended to read:

25 41-1442. Discrimination in places of public accommodation:  
26 exceptions

27 A. Discrimination in places of public accommodation against any person  
28 because of race, color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY,  
29 national origin or ancestry is contrary to the policy of this state and shall  
30 be deemed unlawful.

31 B. No person, directly or indirectly, shall refuse to, withhold from  
32 or deny to any person, nor aid in or incite the refusal to deny or withhold,  
33 accommodations, advantages, facilities or privileges thereof because of race,  
34 color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY, national origin or  
35 ancestry, nor shall distinction be made with respect to any person based on  
36 race, color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY, national  
37 origin or ancestry in connection with the price or quality of any item, goods  
38 or services offered by or at any place of public accommodation.

39 C. Any person who is under the influence of alcohol or narcotics, who  
40 is guilty of boisterous conduct, who is of lewd or immoral character, who is  
41 physically violent or who violates any regulation of any place of public  
42 accommodation that applies to all persons regardless of race, color,  
43 religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY, national origin or  
44 ancestry may be excluded from any place of public accommodation and nothing  
45 in this article shall be considered to limit the right of such exclusion.

1           D. Notwithstanding any other provision of this article and except as  
2 required by federal law, it is not an unlawful practice if a person fails to  
3 provide a trained and competent bilingual person who is skilled in  
4 interpreting a language other than English to assist a person who is seeking  
5 services at a place of public accommodation. Notwithstanding any other  
6 provision of this article and except as required by federal law, a person who  
7 offers a service at a place of public accommodation is not required to  
8 provide a person who is seeking the service any form or other documentation  
9 in that person's native language.

10           E. It is not an unlawful practice pursuant to this section for a  
11 person to fail to provide service at a place of public accommodation if by  
12 providing the service the person offering the service would violate a state  
13 or federal law or a rule that is adopted by a state or federal board,  
14 commission or agency that has jurisdiction over the person offering the  
15 service.