

REFERENCE TITLE: antidiscrimination; employment; housing; public accommodations

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

## HB 2217

Introduced by  
Representatives Garcia: Contreras P, Sandoval, Simacek

### AN ACT

AMENDING SECTIONS 41-1402, 41-1405, 41-1441, 41-1442, 41-1444, 41-1461, 41-1463, 41-1464, 41-1481, 41-1491, 41-1491.05, 41-1491.14, 41-1491.15, 41-1491.16, 41-1491.17, 41-1491.20 AND 41-1491.21, 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 41-1402, Arizona Revised Statutes, is amended to  
3 read:

4 41-1402. Powers and duties of the division

5 A. The division may:

6 1. Employ an executive director for the board and other necessary  
7 personnel whose compensation shall be as determined pursuant to section  
8 38-611.

9 2. Subject to the provisions and restrictions of this chapter,  
10 cooperate with and enter into agreements with the United States equal  
11 employment opportunity commission, the United States department of housing  
12 and urban development and other United States agencies interested in  
13 practices governed by this chapter, accept monies from those agencies and  
14 carry out and perform the covenants and conditions of any written  
15 agreement with those agencies not inconsistent with or beyond this  
16 chapter.

17 3. Cooperate with and enter into agreements with state and local  
18 agencies not inconsistent with or beyond this chapter.

19 4. Intervene in a civil action brought under section 41-1481 by a  
20 complainant against a defendant other than the state.

21 5. After studying recommendations of the board, issue, amend or  
22 rescind procedural rules to carry out this chapter.

23 6. Make periodic surveys of the existence and effect of  
24 discrimination because of race, color, religion, sex, SEXUAL ORIENTATION,  
25 GENDER IDENTITY AND GENDER EXPRESSION, age, disability, familial status or  
26 national origin in the enjoyment of civil rights by any person within this  
27 state as prescribed by this chapter.

28 7. Foster, through community effort, in cooperation with both  
29 public and private groups, the elimination of discrimination based on  
30 race, color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER  
31 EXPRESSION, age, disability, familial status or national origin.

32 8. Issue publications of results of studies, investigations and  
33 research as in its judgment will tend to promote goodwill and the  
34 elimination of discrimination between persons because of race, color,  
35 religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION,  
36 age, disability, familial status or national origin.

37 9. Furnish persons subject to this chapter with such assistance as  
38 may be reasonably necessary to further compliance with this chapter.

39 B. The division shall:

40 1. Administer this chapter.

41 2. Report from time to time, but not less than once a year in  
42 December, to the legislature and the governor, describing its activities  
43 and accomplishments during the year, and file with each report a copy of  
44 all recommendations of the division as to additional remedial action by  
45 legislative enactment or otherwise.

1           Sec. 2. Section 41-1405, Arizona Revised Statutes, is amended to  
2 read:

3           41-1405. Reasonable accommodation or reasonable modification  
4                           not required under certain conditions

5           A covered entity under article 4 or 8 of this chapter is not  
6 required to provide a reasonable accommodation or a reasonable  
7 modification to policies, practices or procedures to an individual who  
8 meets the definition of disability solely under section 41-1461, paragraph  
9 ~~5-~~ 4, subdivision (c) or who meets the definition of being regarded as  
10 having such a physical or mental impairment under section 41-1492.

11          Sec. 3. Section 41-1441, Arizona Revised Statutes, is amended to  
12 read:

13          41-1441. Definitions

14          In this article, unless the context otherwise requires:

15          1. "GENDER IDENTITY AND GENDER EXPRESSION" MEANS THE GENDER-RELATED  
16 IDENTITY AND EXPRESSION, INCLUDING APPEARANCE, MANNERISMS OR OTHER  
17 GENDER-RELATED CHARACTERISTICS, OF AN INDIVIDUAL REGARDLESS OF THE  
18 INDIVIDUAL'S DESIGNATED SEX AT BIRTH.

19          ~~1-~~ 2. "Person" means an individual, corporation, partnership,  
20 unincorporated association, or other organization, and includes the owner,  
21 lessee, operator, proprietor, manager, superintendent, agent, ~~-~~ or employee  
22 of any place of public accommodation.

23          ~~2-~~ 3. "Places of public accommodation" means all public places of  
24 entertainment, amusement or recreation, all public places where food or  
25 beverages are sold for consumption on the premises, all public places  
26 ~~which~~ THAT are conducted for the lodging of transients or for the benefit,  
27 use or accommodation of those seeking health or recreation and all  
28 establishments ~~which~~ THAT cater or offer their services, facilities or  
29 goods to or solicit patronage from the members of the general public. Any  
30 dwelling as defined in section 41-1491, or any private club, or any place  
31 ~~which~~ THAT is in its nature distinctly private is not a place of public  
32 accommodation.

33          Sec. 4. Section 41-1442, Arizona Revised Statutes, is amended to  
34 read:

35          41-1442. Discrimination in places of public accommodation;  
36                           exceptions

37          A. Discrimination in places of public accommodation against any  
38 person because of race, color, religion, sex, SEXUAL ORIENTATION, GENDER  
39 IDENTITY AND GENDER EXPRESSION, national origin or ancestry is contrary to  
40 the policy of this state and shall be deemed unlawful.

41          B. No person, directly or indirectly, shall refuse to, withhold  
42 from or deny to any person, nor aid in or incite the refusal to deny or  
43 withhold, accommodations, advantages, facilities or privileges thereof  
44 because of race, color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY  
45 AND GENDER EXPRESSION, national origin or ancestry, nor shall distinction

1 be made with respect to any person based on race, color, religion, sex,  
2 **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION**, national origin  
3 or ancestry in connection with the price or quality of any item, goods or  
4 services offered by or at any place of public accommodation.

5 C. Any person who is under the influence of alcohol or narcotics,  
6 who is guilty of boisterous conduct, who is of lewd or immoral character,  
7 who is physically violent or who violates any regulation of any place of  
8 public accommodation that applies to all persons regardless of race,  
9 color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER**  
10 **EXPRESSION**, national origin or ancestry may be excluded from any place of  
11 public accommodation and nothing in this article shall be considered to  
12 limit the right of such exclusion.

13 D. Notwithstanding any other provision of this article and except  
14 as required by federal law, it is not an unlawful practice if a person  
15 fails to provide a trained and competent bilingual person who is skilled  
16 in interpreting a language other than English to assist a person who is  
17 seeking services at a place of public accommodation. Notwithstanding any  
18 other provision of this article and except as required by federal law, a  
19 person who offers a service at a place of public accommodation is not  
20 required to provide a person who is seeking the service any form or other  
21 documentation in that person's native language.

22 E. It is not an unlawful practice pursuant to this section for a  
23 person to fail to provide service at a place of public accommodation if by  
24 providing the service the person offering the service would violate a  
25 state or federal law or a rule that is adopted by a state or federal  
26 board, commission or agency that has jurisdiction over the person offering  
27 the service.

28 Sec. 5. Section 41-1444, Arizona Revised Statutes, is amended to  
29 read:

30 **41-1444. Gender-neutral restrooms; changing stations; public**  
31 **buildings; definitions**

32 A. A public entity that constructs a new restroom that is  
33 accessible to the public in a public building or that totally renovates an  
34 existing restroom ~~that is accessible to both men and women and to the~~  
35 ~~public in a public building~~ shall:

36 **1. DESIGNATE ALL SINGLE-OCCUPANCY RESTROOM FACILITIES AS**  
37 **GENDER-NEUTRAL RESTROOMS.**

38 ~~1.~~ **2. Include in EACH BUILDING at least one restroom ~~in each~~**  
39 ~~building at least one~~ **THAT IS ACCESSIBLE TO ANY PERSON REGARDLESS OF**  
40 **GENDER AND THAT CONTAINS A** changing station that is capable of serving  
41 both a baby and an adult ~~and that is accessible to both men and women.~~

42 ~~2.~~ **3. Provide signage at or near the entrance to the changing**  
43 **station indicating the location of the changing station.**

1       ~~3.~~ 4. Indicate the location of the changing station in the central  
2 building directory, if such a directory exists.

3       B. The responsible authority may grant an exemption from the  
4 requirements of this section if the responsible authority determines that:

5       1. Any of the following would apply to the installation of a  
6 changing station that is capable of serving both a baby and an adult:

7       (a) The installation would not be feasible.

8       (b) The installation would result in a failure to comply with the  
9 Americans with disabilities act standards for access for persons with  
10 disabilities.

11       (c) The installation would threaten or destroy the historic  
12 significance of a historic property.

13       2. The public building is not frequented by the public.

14       C. The installation of a changing station under this section must  
15 provide sufficient clear floor space to comply with the requirements of  
16 the 2010 Americans with disabilities act standards for accessible design.

17       D. This section does not establish a private right of action.

18       E. For the purposes of this section:

19       1. "Public building" means a building or appurtenance to a building  
20 that is built in whole or in part with public monies.

21       2. "Public entity" means any:

22       (a) State or local government.

23       (b) Department, agency, special purpose district or other  
24 instrumentality of a state or local government, including the legislature.

25       3. "Responsible authority" means an organization, office or  
26 individual responsible for enforcing the requirements of a code or  
27 standard or for approving equipment, materials, an installation or a  
28 procedure.

29       4. "Totally renovates" means to perform construction that is at  
30 least \$50,000 and that totally removes all nonstructural interior walls,  
31 floor and ceiling finishes, mechanical systems, electrical systems and  
32 plumbing fixtures and supply and waste lines.

33       5. "2010 Americans with disabilities act standards for accessible  
34 design" means the 2010 standards for state and local government facilities  
35 prescribed in 28 Code of Federal Regulations section 35.151 and 36 Code of  
36 Federal Regulations part 1191, appendices B and D.

37       Sec. 6. Section 41-1461, Arizona Revised Statutes, is amended to  
38 read:

39       41-1461. Definitions

40       In this article, unless the context otherwise requires:

41       1. "Auxiliary aids and services" includes:

42       (a) Qualified interpreters or other effective methods of making  
43 aurally delivered materials available to individuals with hearing  
44 impairments.

1 (b) Qualified readers, taped texts or other effective methods of  
2 making visually delivered materials available to individuals with visual  
3 impairments.

4 (c) Acquisition or modification of equipment or devices.

5 (d) Other similar services and actions.

6 ~~3.~~ 2. "Being regarded as having such a physical or mental  
7 impairment":

8 (a) Means an individual who establishes that the individual has  
9 been subjected to an action prohibited under this article because of an  
10 actual or perceived physical or mental impairment whether or not the  
11 impairment limits or is perceived to limit a major life activity.

12 (b) Does not mean an impairment that is transitory and minor. For  
13 the purposes of this subdivision, "transitory impairment" means an  
14 impairment with an actual or expected duration of six months or less.

15 ~~4.~~ 3. "Covered entity" means an employer, employment agency, labor  
16 organization or joint labor-management committee.

17 ~~5.~~ 4. "Disability" means, with respect to an individual, except  
18 any impairment caused by current use of illegal drugs, any of the  
19 following:

20 (a) A physical or mental impairment that substantially limits one  
21 or more of the major life activities of the individual.

22 (b) A record of such a physical or mental impairment.

23 (c) Being regarded as having such a physical or mental impairment.

24 ~~6.~~ 5. "Employee":

25 (a) Means an individual employed by an employer.

26 (b) Does not include an elected public official of this state or  
27 any political subdivision of this state, any person chosen by an elected  
28 official to be on the elected official's personal staff, an appointee on  
29 the policymaking level or an immediate adviser with respect to the  
30 exercise of the constitutional or legal powers of the office, unless the  
31 person or appointee is subject to the civil service laws of this state or  
32 any political subdivision of this state.

33 ~~7.~~ 6. "Employer":

34 (a) Means a person who has ~~fifteen~~ FIVE or more employees for each  
35 working day in each of twenty or more calendar weeks in the current or  
36 preceding calendar year and any agent of that person or a person who has  
37 one or more employees in the current or preceding calendar year and any  
38 agent of that person, to the extent that the person is alleged to have:

39 (i) Committed any act of sexual harassment.

40 (ii) Discriminated against anyone for opposing sexual harassment or  
41 making a charge, testifying, assisting or participating in any manner in  
42 an investigation, proceeding or hearing arising from sexual harassment.

43 (b) Does not include either:

1 (i) The United States or any department or agency of the United  
2 States, a corporation wholly owned by the government of the United States  
3 or an Indian tribe.

4 (ii) A bona fide private membership club, other than a labor  
5 organization, that is exempt from taxation under section 501(c) of the  
6 internal revenue code of 1954.

7 ~~8.~~ 7. "Employment agency" means any person regularly undertaking  
8 with or without compensation to procure employees for an employer or to  
9 procure for employees opportunities to work for an employer and includes  
10 an agent of that person.

11 8. "GENDER IDENTITY AND GENDER EXPRESSION" MEANS THE GENDER-RELATED  
12 IDENTITY AND EXPRESSION, INCLUDING APPEARANCE, MANNERISMS OR OTHER  
13 GENDER-RELATED CHARACTERISTICS, OF AN INDIVIDUAL REGARDLESS OF THE  
14 INDIVIDUAL'S DESIGNATED SEX AT BIRTH.

15 9. "Labor organization":

16 (a) Means a labor organization and any agent of a labor  
17 organization.

18 (b) Includes:

19 (i) Any organization of any kind, any agency or employee  
20 representation committee, group, association or plan in which ~~fifteen~~ FIVE  
21 or more employees participate and that exists for the purpose, in whole or  
22 in part, of dealing with employers concerning grievances, labor disputes,  
23 wages, rates of pay, hours or other terms or conditions of employment.

24 (ii) Any conference, general committee, joint or system board or  
25 joint council that is subordinate to a national or international labor  
26 organization.

27 10. "Major life activities" includes:

28 (a) Caring for oneself, performing manual tasks, seeing, hearing,  
29 eating, sleeping, walking, standing, lifting, bending, speaking,  
30 breathing, learning, reading, concentrating, thinking, communicating and  
31 working.

32 (b) The operation of a major bodily function, including functions  
33 of the immune system, normal cell growth and digestive, bowel, bladder,  
34 neurological, brain, respiratory, circulatory, endocrine and reproductive  
35 functions.

36 ~~2.~~ 11. ~~"Because of sex" and~~ "On the basis of sex" includes because  
37 of or on the basis of pregnancy or childbirth or related medical  
38 conditions.

39 ~~11.~~ 12. "Person" means one or more individuals, governmental  
40 agencies, political subdivisions, labor unions, partnerships,  
41 associations, corporations, legal representatives, mutual companies,  
42 joint-stock companies, trusts, unincorporated organizations, trustees,  
43 trustees in bankruptcy or receivers.

1       ~~12.~~ 13. "Qualified individual" means a person with a disability  
2 who, with or without reasonable accommodation, is capable of performing  
3 the essential functions of the employment position that the individual  
4 holds or desires.

5       ~~13.~~ 14. "Reasonable accommodation" includes:

6       (a) Making existing facilities used by employees readily accessible  
7 to and usable by individuals with disabilities.

8       (b) Job restructuring, part-time or modified work schedules,  
9 reassignment to a vacant position, acquisition or modification of  
10 equipment or devices, appropriate adjustment or modification of  
11 examinations, training materials or policies, the provision of qualified  
12 readers, taped texts or other effective methods of making visually  
13 delivered materials available to individuals with visual impairments, the  
14 provision of auxiliary aids and services or interpreters and other similar  
15 services and actions for individuals with disabilities.

16       ~~14.~~ 15. "Religion" means all aspects of religious observance and  
17 practice, as well as belief. Unlawful practices as prohibited by this  
18 article include practices with respect to religion unless an employer  
19 demonstrates that the employer is unable to reasonably accommodate an  
20 employee's or prospective employee's religious observance or practice  
21 without undue hardship on the conduct of the employer's business.

22       ~~15.~~ 16. "Undue hardship":

23       (a) Means an action requiring significant difficulty or expense  
24 when considered in light of the factors set forth in subdivision (b) of  
25 this paragraph.

26       (b) When determining whether an accommodation would impose an undue  
27 hardship on a covered entity, factors to be considered include:

28       (i) The nature and cost of the accommodations needed under this  
29 article.

30       (ii) The overall financial resources of the facility or facilities  
31 involved in the provision of the reasonable accommodation, the number of  
32 persons employed at the facility, the effect on expenses and resources of  
33 the facility and any other impact of the accommodation on the operation of  
34 the facility.

35       (iii) The overall financial resources of the covered entity, the  
36 overall size of the business of the covered entity with respect to the  
37 number of its employees and the number, type and location of its  
38 facilities.

39       (iv) The type of operation or operations of the covered entity,  
40 including the composition, structure and functions of the workforce of the  
41 covered entity.

42       (v) The geographic separateness and the administrative or fiscal  
43 relationship of the facility to the covered entity.

1           Sec. 7. Section 41-1463, Arizona Revised Statutes, is amended to  
2 read:

3           41-1463. Discrimination; unlawful practices; definition

4           A. ~~Nothing contained in~~ This article shall NOT be interpreted to  
5 require that the less qualified be preferred over the better qualified  
6 simply because of race, color, religion, sex, SEXUAL ORIENTATION, GENDER  
7 IDENTITY AND GENDER EXPRESSION, age or national origin or on the basis of  
8 disability.

9           B. It is an unlawful employment practice for an employer:

10          1. To fail or refuse to hire or to discharge any individual or  
11 otherwise to discriminate against any individual with respect to the  
12 individual's compensation, terms, conditions or privileges of employment  
13 because of the individual's race, color, religion, sex, SEXUAL  
14 ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION, age or national origin  
15 or on the basis of disability.

16          2. To limit, segregate or classify employees or applicants for  
17 employment in any way that would deprive or tend to deprive any individual  
18 of employment opportunities or otherwise adversely affect the individual's  
19 status as an employee, because of the individual's race, color, religion,  
20 sex, SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION, age or  
21 national origin or on the basis of disability.

22          3. To fail or refuse to hire, to discharge or to otherwise  
23 discriminate against any individual based on the results of a genetic test  
24 received by the employer, notwithstanding subsection ~~K~~ K, paragraph 2 of  
25 this section.

26          C. THE DENIAL OF ACCESS TO A SHARED FACILITY IS A FORM OF  
27 DISCRIMINATION AS PRESCRIBED BY SUBSECTION B OF THIS SECTION.

28          ~~C~~ D. It is an unlawful employment practice for an employment  
29 agency to fail or refuse to refer for employment or otherwise to  
30 discriminate against any individual because of the individual's race,  
31 color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER  
32 EXPRESSION, age or national origin or on the basis of disability or to  
33 classify or refer for employment any individual on the basis of the  
34 individual's race, color, religion, sex, SEXUAL ORIENTATION, GENDER  
35 IDENTITY AND GENDER EXPRESSION, age or national origin or on the basis of  
36 disability.

37          ~~D~~ E. It is an unlawful employment practice for a labor  
38 organization:

39          1. To exclude or to expel from its membership or otherwise to  
40 discriminate against any individual because of the individual's race,  
41 color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER  
42 EXPRESSION, age or national origin or on the basis of disability.

43          2. To limit, segregate or classify its membership or applicants for  
44 membership or to classify or fail or refuse to refer for employment any  
45 individual in any way that would deprive or tend to deprive the individual

1 of employment opportunities or would limit those employment opportunities  
2 or otherwise adversely affect the individual's status as an employee or as  
3 an applicant for employment because of the individual's race, color,  
4 religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION**,  
5 age or national origin or on the basis of disability.

6 3. To cause or attempt to cause an employer to discriminate against  
7 an individual in violation of this section.

8 ~~F.~~ F. It is an unlawful employment practice for any employer,  
9 labor organization or joint labor-management committee controlling  
10 apprenticeship or other training or retraining programs, including  
11 on-the-job training programs, to discriminate against any individual  
12 because of the individual's race, color, religion, sex, **SEXUAL**  
13 **ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION**, age or national origin  
14 or on the basis of disability in admission to or employment in any program  
15 established to provide apprenticeship or other training and, if the  
16 individual is an otherwise qualified individual, to fail or refuse to  
17 reasonably accommodate the individual's disability.

18 ~~F.~~ G. With respect to a qualified individual, it is an unlawful  
19 employment practice for a covered entity to:

20 1. Participate in any contractual or other arrangement or  
21 relationship that has the effect of subjecting a qualified individual who  
22 applies with or who is employed by the covered entity to unlawful  
23 employment discrimination on the basis of disability.

24 2. Use standards, criteria or methods of administration that have  
25 the effect of discriminating on the basis of disability or that perpetuate  
26 the discrimination of others who are subject to common administrative  
27 control.

28 3. Exclude or otherwise deny equal jobs or benefits to an  
29 individual qualified for the job or benefits because of the known  
30 disability of an individual with whom the individual qualified for the job  
31 or benefits is known to have a relationship or association.

32 4. Not make reasonable accommodations to the known physical or  
33 mental limitations of an otherwise qualified individual who is an  
34 applicant or employee unless the covered entity can demonstrate that the  
35 accommodation would impose an undue hardship on the operation of the  
36 business of the covered entity or the individual only meets the definition  
37 of disability as prescribed in section 41-1461, paragraph ~~5~~ 4,  
38 subdivision (c).

39 5. Deny employment opportunities to a job applicant or employee who  
40 is an otherwise qualified individual if the denial is based on the need of  
41 the covered entity to make reasonable accommodation to the physical or  
42 mental impairment of the applicant or employee.

43 6. Use qualification standards, employment tests or other selection  
44 criteria, including those based on an individual's uncorrected vision,  
45 that screen out or tend to screen out an individual with a disability or a

1 class of individuals with disabilities, unless the standard, test or other  
2 selection criteria, as used by the covered entity, is shown to be job  
3 related for the position in question and is consistent with business  
4 necessity.

5 7. Fail to select and administer tests relating to employment in  
6 the most effective manner to ensure that, when the test is administered to  
7 a job applicant or employee who has a disability that impairs sensory,  
8 manual or speaking skills, the test results accurately reflect the skills  
9 or aptitude or whatever other factor of the applicant or employee that the  
10 test purports to measure, rather than reflecting the impaired sensory,  
11 manual or speaking skills of the applicant or employee, except if the  
12 skills are the factors that the test purports to measure.

13 ~~G.~~ H. Women who are affected by pregnancy or childbirth or related  
14 medical conditions shall be treated the same for all employment-related  
15 purposes, including receipt of benefits under fringe benefit programs, as  
16 other persons not so affected but similar in their ability or inability to  
17 work, and subsection ~~J.~~ K, paragraph 3 of this section may not be  
18 interpreted to allow otherwise.

19 ~~H.~~ I. Notwithstanding any other provision of this article, it is  
20 not an unlawful employment practice:

21 1. For an employer to hire and employ employees, for an employment  
22 agency to classify or refer for employment any individual, for a labor  
23 organization to classify its membership or classify or refer for  
24 employment any individual or for an employer, labor organization or joint  
25 labor-management committee controlling apprenticeship or other training or  
26 retraining programs to admit or employ any individual in any such program,  
27 on the basis of the individual's religion, sex, SEXUAL ORIENTATION, GENDER  
28 IDENTITY AND GENDER EXPRESSION or national origin in those certain  
29 instances when religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY AND  
30 GENDER EXPRESSION or national origin is a bona fide occupational  
31 qualification reasonably necessary to the normal operation of that  
32 particular business or enterprise.

33 2. For any school, college, university or other educational  
34 institution or institution of learning to hire and employ employees of a  
35 particular religion if the school, college, university or other  
36 educational institution or institution of learning is in whole or in  
37 substantial part owned, supported, controlled or managed by a particular  
38 religion or religious corporation, association or society, or if the  
39 curriculum of the school, college, university or other educational  
40 institution or institution of learning is directed toward the propagation  
41 of a particular religion.

42 3. For an employer to fail or refuse to hire or employ any  
43 individual for any position, for an employment agency to fail or refuse to  
44 refer any individual for employment in any position or for a labor

1 organization to fail or refuse to refer any individual for employment in  
2 any position, if both of the following apply:

3 (a) The occupancy of the position or access to the premises in or  
4 on which any part of the duties of the position are performed or are to be  
5 performed is subject to any requirement imposed in the interest of the  
6 national security of the United States under any security program in  
7 effect pursuant to or administered under any statute of the United States  
8 or any executive order of the president of the United States.

9 (b) The individual has not fulfilled or has ceased to fulfill that  
10 requirement.

11 4. With respect to age, for an employer, employment agency or labor  
12 organization:

13 (a) To take any action otherwise prohibited under subsection B,  
14 ~~C~~ D or ~~D~~ E of this section if age is a bona fide occupational  
15 qualification reasonably necessary to the normal operation of the  
16 particular business or if the differentiation is based on reasonable  
17 factors other than age.

18 (b) To observe the terms of a bona fide seniority system or any  
19 bona fide employee benefit plan such as a retirement, pension, deferred  
20 compensation or insurance plan, which is not a subterfuge to evade the  
21 purposes of the age discrimination provisions of this article, except that  
22 no employee benefit plan may excuse the failure to hire any individual and  
23 no seniority system or employee benefit plan may require or allow the  
24 involuntary retirement of any individual specified by section 41-1465  
25 because of the individual's age.

26 (c) To discharge or otherwise discipline an individual for good  
27 cause.

28 ~~I~~ J. For the purposes of this article, unlawful employment  
29 practice does not include any action or measure taken by an employer,  
30 labor organization, joint labor-management committee or employment agency  
31 with respect to an individual who is a member of the communist party of  
32 the United States or of any other organization required to register as a  
33 communist-action or communist-front organization by final order of the  
34 subversive activities control board pursuant to the subversive activities  
35 control act of 1950.

36 ~~J~~ K. Notwithstanding any other provision of this article, it is  
37 not an unlawful employment practice:

38 1. For an employer to apply different standards of compensation or  
39 different terms, conditions or privileges of employment pursuant to a bona  
40 fide seniority or merit system or a system that measures earnings by  
41 quantity or quality of production or to employees who work in different  
42 locations, if these differences are not the result of an intention to  
43 discriminate because of race, color, religion, sex, SEXUAL ORIENTATION,  
44 GENDER IDENTITY AND GENDER EXPRESSION or national origin.

2. For an employer to give and act on the results of any professionally developed ability test if the test, its administration or action on the results is not designed, intended or used to discriminate because of race, color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION** or national origin.

3. For any employer to differentiate on the basis of sex or disability in determining the amount of the wages or compensation paid or to be paid to employees of the employer if the differentiation is authorized by the provisions of section 6(d) or section 14 of the fair labor standards act of 1938, as amended (29 United States Code section 206(d)).

~~K. L. Nothing contained in~~ This chapter ~~applies~~ **DOES NOT APPLY** to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of the business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

~~L. M. Nothing contained in~~ This article or article 6 of this chapter ~~requires~~ **DOES NOT REQUIRE** any employer, employment agency, labor organization or joint labor-management committee subject to this article to grant preferential treatment to any individual or group because of the race, color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION** or national origin of the individual or group on account of an imbalance that may exist with respect to the total number or percentage of persons of any race, color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION** or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of that race, color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION** or national origin in any community, state, section or other area, or in the available workforce in any community, state, section or other area.

~~M. N.~~ The age discrimination prohibitions of this article ~~may~~ **DO** not ~~be construed to~~ prohibit compulsory retirement of any employee who has attained sixty-five years of age and who, for the ~~two-year~~ **TWO-YEAR** period immediately before retirement, is employed in a bona fide executive or high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan or any combination of plans of the employer for the employee, that equals, in the aggregate, at least \$44,000. In applying the retirement benefit test of this subsection, if any retirement benefit is in a form other than a straight life annuity, with no ancillary benefits, or if employees contribute to the plan or make rollover contributions, the benefit shall be adjusted in accordance with

1 rules adopted by the division so the benefit is the equivalent of a  
 2 straight life annuity, with no ancillary benefits, under a plan to which  
 3 employees do not contribute and under which no rollover contributions are  
 4 made.

5 ~~N.~~ O. A covered entity may require that an individual with a  
 6 disability shall not pose a direct threat to the health or safety of other  
 7 individuals in the workplace. For the purposes of this subsection,  
 8 "direct threat" means a significant risk to the health or safety of others  
 9 that cannot be eliminated by reasonable accommodation.

10 ~~O.~~ P. This article does not alter the standards for determining  
 11 eligibility for benefits under this state's workers' compensation laws or  
 12 under state and federal disability benefit programs.

13 ~~P.~~ Q. For the purposes of this section and section 41-1481, with  
 14 respect to employers or employment practices involving a disability,  
 15 "individual" means a qualified individual.

16 Sec. 8. Section 41-1464, Arizona Revised Statutes, is amended to  
 17 read:

18 41-1464. Other unlawful employment practices; opposition to  
 19 unlawful practices; filing of charges;  
 20 participation in proceedings; notices and  
 21 advertisements for employment

22 A. It is an unlawful employment practice for an employer to  
 23 discriminate against any of the employer's employees or applicants for  
 24 employment, for an employment agency or joint labor-management committee  
 25 controlling apprenticeship or other training or retraining programs,  
 26 including on-the-job training programs, to discriminate against any  
 27 individual or for a labor organization to discriminate against any member  
 28 or applicant for membership because the employee, the member, the  
 29 applicant or the individual in an apprenticeship or other training or  
 30 retraining program has opposed any practice that is an unlawful employment  
 31 practice under this article or has made a charge, testified, assisted or  
 32 participated in any manner in an investigation, proceeding or hearing  
 33 under article 6 of this chapter.

34 B. It is an unlawful employment practice for an employer, labor  
 35 organization, employment agency or joint labor-management committee  
 36 controlling apprenticeship or other training or retraining programs,  
 37 including on-the-job training programs, to print or publish or cause to be  
 38 printed or published any notice or advertisement relating to employment by  
 39 an employer or membership in or any classification or referral for  
 40 employment by a labor organization, ~~or relating to~~ any classification or  
 41 referral for employment by an employment agency or ~~relating to~~ admission  
 42 or ~~to~~ employment in any program established to provide apprenticeship or  
 43 other training by a joint labor-management committee indicating any  
 44 preference, limitation, specification or discrimination based on race,  
 45 color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER

1 EXPRESSION or national origin, except that a notice or advertisement may  
2 indicate a preference, limitation, specification or discrimination based  
3 on religion, sex or national origin when religion, sex, SEXUAL  
4 ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION or national origin is a  
5 bona fide occupational qualification for employment.

6 C. It is unlawful for an employer, labor organization or employment  
7 agency to print or publish or cause to be printed or published any notice  
8 or advertisement relating to employment by an employer or membership in or  
9 any classification or referral for employment by a labor organization or  
10 ~~relating to~~ any classification or referral for employment by an employment  
11 agency, indicating any preference, limitation, specification or  
12 discrimination based on age, except that the notice or advertisement may  
13 indicate a preference, limitation, specification or discrimination based  
14 on age when age is a bona fide occupational qualification for employment.

15 Sec. 9. Section 41-1481, Arizona Revised Statutes, is amended to  
16 read:

17 41-1481. Filing charges; investigation; findings;  
18 conciliation; compliance proceedings; appeals;  
19 attorney fees; violation; classification

20 A. A charge under this section shall be filed within one hundred  
21 eighty days after the alleged unlawful employment practice occurred. A  
22 charge is deemed filed on receipt by the division from or on behalf of a  
23 person claiming to be aggrieved or, if filed by a member of the division,  
24 when executed by the member on oath or affirmation. A charge is deemed  
25 filed by or on behalf of a person claiming to be aggrieved if received  
26 from the United States equal employment opportunity commission. A charge  
27 shall be in writing on oath or affirmation and shall contain the  
28 information, including the date, place and circumstances of the alleged  
29 unlawful employment practice, and be in the form as the division  
30 requires. The division shall not make charges public.

31 B. Whenever a charge is filed by or on behalf of a person claiming  
32 to be aggrieved or by a member of the division, referred to as the  
33 charging party, alleging that an employer, employment agency, labor  
34 organization or joint labor-management committee controlling  
35 apprenticeship or other training or retraining programs, including  
36 on-the-job training programs, has engaged in an unlawful employment  
37 practice, the division shall serve notice of and a copy of the charge on  
38 the employer, employment agency, labor organization or joint  
39 labor-management committee, referred to as the respondent, within ten days  
40 and shall investigate the charge. If the division determines after the  
41 investigation that there is not reasonable cause to believe that the  
42 charge is true, the division shall enter an order determining the same and  
43 dismissing the charge and shall notify the charging party and the  
44 respondent of its action. If the division determines after the  
45 investigation that there is reasonable cause to believe that the charge is

1 true, the division shall enter an order containing its findings of fact  
2 and shall endeavor to eliminate the alleged unlawful employment practice  
3 by informal methods of conference, conciliation and persuasion. Any party  
4 to the informal proceeding may be represented by counsel. Counsel need  
5 not be a member of the state bar if counsel is licensed to practice law in  
6 any other state or territory of the United States. Nothing said or done  
7 during and as a part of the informal endeavors may be made public by the  
8 division or its officers or employees or used as evidence in a subsequent  
9 proceeding without the written consent of the persons concerned. If a  
10 civil action resulting from a charge is commenced in any federal or state  
11 court, evidence collected by or submitted to the division during the  
12 investigation of the charge and the source of the evidence shall be  
13 subject to discovery by the parties to the civil action. Any person who  
14 makes public information in violation of this subsection is guilty of a  
15 class 1 misdemeanor. The division shall make its determination on  
16 reasonable cause as promptly as possible and as far as practicable not  
17 later than sixty days ~~from~~ AFTER the filing of the charge. If more than  
18 two years have elapsed after the alleged unlawful employment practice  
19 occurred, and if the charging party has received a notice of right to sue,  
20 the division may cease investigation of a charge without reaching a  
21 determination.

22 C. All conciliation agreements shall provide that the charging  
23 party waives, releases and covenants not to sue the respondent or claim  
24 against the respondent in any forum with respect to the matters ~~which~~ THAT  
25 were alleged as charges filed with the division, subject to performance by  
26 the respondent of the promises and representations contained in the  
27 conciliation agreement. The charging party or the respondent may prepare  
28 a conciliation agreement that the division shall submit to the other party  
29 and that, if accepted by the other party, shall be accepted by the  
30 division.

31 D. If within thirty days after the division has made a  
32 determination that reasonable cause exists to believe that the charge is  
33 true the division has not accepted a conciliation agreement to which the  
34 charging party and the respondent are parties, the division may bring a  
35 civil action against the respondent, other than the state, named in the  
36 charge. The charging party shall have the right to intervene in a civil  
37 action brought by the division. If a charge filed with the division  
38 pursuant to subsection A of this section is dismissed by the division or  
39 if within ninety days ~~from~~ AFTER the filing of such charge the division  
40 has not filed a civil action under this section or has not entered into a  
41 conciliation agreement with the charging party, the division shall so  
42 notify the charging party. After providing the notice a civil action may  
43 be brought against the respondent named in the charge by the charging  
44 party or, if that charge was filed by a member of the division, by any  
45 person whom the charge alleges was aggrieved by the alleged unlawful

1 employment practice. ~~In no event shall any~~ AN action MAY NOT be brought  
2 pursuant to this article more than one year after the charge to which the  
3 action relates has been filed. On application by the complainant and in  
4 the circumstances as the court may deem just, the court may appoint an  
5 attorney for such complainant and may authorize the commencement of the  
6 action without the payment of fees, costs or security. On timely  
7 application, the court may in its discretion allow the division to  
8 intervene in civil actions in which the state is not a defendant on  
9 certification that the case is of general public importance. ~~upon~~ ON  
10 request the court may stay further proceedings for not more than sixty  
11 days pending the further efforts of the parties or the division to obtain  
12 voluntary compliance.

13 E. Whenever a charge is filed with the division and the division  
14 concludes on the basis of a preliminary investigation that prompt judicial  
15 action is necessary to carry out the purposes of this article or article 4  
16 of this chapter, the division may bring an action for appropriate  
17 temporary or preliminary relief pending final disposition of the charge.  
18 Any temporary restraining order or other order granting preliminary or  
19 temporary relief shall be issued in accordance with the Arizona rules of  
20 civil procedure. The court having jurisdiction over the proceedings shall  
21 assign such action for hearing at the earliest practicable date and cause  
22 the action to be expedited in every way.

23 F. The court shall assign any action brought under this article for  
24 hearing at the earliest practicable date and cause the action to be in  
25 every way expedited. If the action has not been scheduled for trial  
26 within one hundred twenty days after issue has been joined, the judge may  
27 appoint a master pursuant to rule 53 of the Arizona rules of civil  
28 procedure.

29 G. If the court finds that the defendant has intentionally engaged  
30 in or is intentionally engaging in an unlawful employment practice alleged  
31 in the complaint, the court may enjoin the defendant from engaging in the  
32 unlawful employment practice and order the affirmative action as may be  
33 appropriate. Affirmative action may include, ~~but is not limited to,~~  
34 reinstatement or hiring of employees with or without back pay payable by  
35 the employer, employment agency or labor organization responsible for the  
36 unlawful employment practice or any other equitable relief as the court  
37 deems appropriate. Back pay liability shall not accrue from a date more  
38 than two years before the filing of the charge with the division. Interim  
39 earnings or amounts earnable with reasonable diligence by the person or  
40 persons discriminated against shall reduce the back pay otherwise  
41 allowable. An order of the court shall not require the admission or  
42 reinstatement of an individual as a member of a union or the hiring,  
43 reinstatement or promotion of an individual as an employee or the payment  
44 to the individual of any back pay if the individual was refused admission,  
45 suspended or expelled or was refused employment or advancement or was

1 suspended or discharged for any reason other than discrimination on  
2 account of race, color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY**  
3 **AND GENDER EXPRESSION**, age, disability or national origin or a violation  
4 of section 41-1464.

5 H. In any case in which an employer, employment agency or labor  
6 organization fails to comply with an order of a court issued in a civil  
7 action brought under this section, a party to the action or the division  
8 on the written request of a person aggrieved by such failure may commence  
9 proceedings to compel compliance with the order.

10 I. Any civil action brought under this section and any proceedings  
11 brought under subsection H of this section are subject to appeal as  
12 provided in sections 12-120.21, 12-120.22 and 12-120.24.

13 J. In any action or proceeding under this section the court may  
14 allow the prevailing party, other than the division, a reasonable attorney  
15 fee as part of the costs.

16 Sec. 10. Section 41-1491, Arizona Revised Statutes, is amended to  
17 read:

18 **41-1491. Definitions**

19 In this article, unless the context otherwise requires:

20 1. "Aggrieved person" includes any person who either:

21 (a) Claims to have been injured by a discriminatory housing  
22 practice.

23 (b) Believes that the person will be injured by a discriminatory  
24 housing practice that is about to occur.

25 2. "Assistance animal" means a trained or untrained animal that  
26 works, provides assistance, performs tasks or provides therapeutic or  
27 emotional support for the benefit of a person with a disability.

28 3. "Complainant" means a person, including the attorney general,  
29 who files a complaint under section 41-1491.22.

30 4. "Conciliation" means the attempted resolution of issues raised  
31 by a complaint or by the investigation of the complaint through informal  
32 negotiations involving the aggrieved person, the respondent and the  
33 attorney general.

34 5. "Conciliation agreement" means a written agreement setting forth  
35 the resolution of the issues in conciliation.

36 6. "Disability" means a mental or physical impairment that  
37 substantially limits at least one major life activity, a record of such an  
38 impairment or being regarded as having such an impairment. Disability  
39 does not include current illegal use of or addiction to any drug or  
40 illegal or federally controlled substance. Disability shall be defined  
41 and construed as the term is defined and construed by the Americans with  
42 disabilities act of 1990 (P.L. 101-336) and the ADA amendments act of 2008  
43 (P.L. 110-325; 122 Stat. 3553).

1           7. "Discriminatory housing practice" means an act prohibited by  
2 sections 41-1491.14 through 41-1491.21.

3           8. "Dwelling" means either:

4           (a) Any building, structure or part of a building or structure that  
5 is occupied as, or designed or intended for occupancy as, a residence by  
6 one or more families.

7           (b) Any vacant land that is offered for sale or lease for the  
8 construction or location of a building, structure or part of a building or  
9 structure described by subdivision (a) of this paragraph.

10          9. "Family" includes a single individual.

11          10. "GENDER IDENTITY AND GENDER EXPRESSION" MEANS THE  
12 GENDER-RELATED IDENTITY AND EXPRESSION, INCLUDING APPEARANCE, MANNERISMS  
13 OR OTHER GENDER-RELATED CHARACTERISTICS OF AN INDIVIDUAL REGARDLESS OF THE  
14 INDIVIDUAL'S DESIGNATED SEX AT BIRTH.

15          ~~10.~~ 11. "Person" means one or more individuals, corporations,  
16 partnerships, associations, labor organizations, legal representatives,  
17 mutual companies, joint stock companies, trusts, unincorporated  
18 organizations, trustees, receivers, fiduciaries, banks, credit unions and  
19 financial institutions.

20          ~~11.~~ 12. "Respondent" means either:

21           (a) The person accused of a violation of this article in a  
22 complaint of a discriminatory housing practice.

23           (b) Any person identified as an additional or substitute respondent  
24 under section 41-1491.25 or an agent of an additional or substitute  
25 respondent.

26          ~~12.~~ 13. "Service animal":

27           (a) Means any dog or miniature horse that is individually trained  
28 or in training to do work or perform tasks for the benefit of an  
29 individual with a disability, including a physical, sensory, psychiatric,  
30 intellectual or other mental disability.

31           (b) Does not include other species of animals, whether wild or  
32 domestic, trained or untrained.

33          ~~13.~~ 14. "To rent" includes to lease, to sublease, to let or to  
34 otherwise grant for a consideration the right to occupy premises not owned  
35 by the occupant.

36          Sec. 11. Section 41-1491.05, Arizona Revised Statutes, is amended  
37 to read:

38          41-1491.05. Appraisal exemption

39          This article does not prohibit a person engaged in the business of  
40 furnishing appraisals of real property from taking into consideration  
41 factors other than race, color, religion, sex, SEXUAL ORIENTATION, GENDER  
42 IDENTITY AND GENDER EXPRESSION, disability, familial status or national  
43 origin.

1           Sec. 12. Section 41-1491.14, Arizona Revised Statutes, is amended  
2 to read:

3           41-1491.14. Discrimination in sale or rental

4           A. A person may not refuse to sell or rent after a bona fide offer  
5 has been made or refuse to negotiate for the sale or rental of or  
6 otherwise make unavailable or deny a dwelling to any person because of  
7 race, color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER**  
8 **EXPRESSION**, familial status or national origin.

9           B. A person may not discriminate against any person in the terms,  
10 conditions or privileges of sale or rental of a dwelling, or in providing  
11 services or facilities in connection with the sale or rental, because of  
12 race, color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER**  
13 **EXPRESSION**, familial status or national origin.

14           C. This section does not prohibit discrimination against a person  
15 because the person has been convicted under federal law or the law of any  
16 state of the illegal manufacture or distribution of a controlled  
17 substance.

18           Sec. 13. Section 41-1491.15, Arizona Revised Statutes, is amended  
19 to read:

20           41-1491.15. Publication of sales or rentals

21           A person may not make, print or publish or cause to be made, printed  
22 or published any notice, statement or advertisement with respect to the  
23 sale or rental of a dwelling that indicates any preference, limitation or  
24 discrimination based on race, color, religion, sex, **SEXUAL ORIENTATION,**  
25 **GENDER IDENTITY AND GENDER EXPRESSION**, disability, familial status or  
26 national origin or an intention to make such a preference, limitation or  
27 discrimination.

28           Sec. 14. Section 41-1491.16, Arizona Revised Statutes, is amended  
29 to read:

30           41-1491.16. Inspection of dwelling

31           A person may not represent to any person because of race, color,  
32 religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION**,  
33 disability, familial status or national origin that a dwelling is not  
34 available for inspection for sale or rental if the dwelling is available  
35 for inspection.

36           Sec. 15. Section 41-1491.17, Arizona Revised Statutes, is amended  
37 to read:

38           41-1491.17. Entry into neighborhood

39           A person, for profit, may not induce or attempt to induce a person  
40 to sell or rent a dwelling by representations regarding the entry or  
41 prospective entry into a neighborhood of a person of a particular race,  
42 color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER**  
43 **EXPRESSION**, disability, familial status or national origin.

1           Sec. 16. Section 41-1491.20, Arizona Revised Statutes, is amended  
2 to read:

3           41-1491.20. Residential real estate related transaction;  
4                               definition

5           A. A person whose business includes engaging in residential real  
6 estate related transactions may not discriminate against a person in  
7 making a real estate related transaction available or in the terms or  
8 conditions of a real estate related transaction because of race, color,  
9 religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION**,  
10 disability, familial status or national origin.

11          B. ~~It~~ **FOR THE PURPOSES OF** this section, "residential real estate  
12 related transaction" means:

13           1. Making or purchasing loans or providing other financial  
14 assistance either:

15               (a) To purchase, construct, improve, repair or maintain a dwelling.

16               (b) To secure residential real estate.

17           2. Selling, brokering or appraising residential real property.

18          Sec. 17. Section 41-1491.21, Arizona Revised Statutes, is amended  
19 to read:

20           41-1491.21. Brokerage services

21          A person may not deny any person access to, or membership or  
22 participation in, a multiple listing service, real estate brokers'  
23 organization or other service, organization or facility relating to the  
24 business of selling or renting dwellings or may not discriminate against a  
25 person in the terms or conditions of access, membership or participation  
26 in such an organization, service or facility because of race, color,  
27 religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION**,  
28 disability, familial status or national origin.