

REFERENCE TITLE: employment; housing; public accommodations; antidiscrimination

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1753

Introduced by
Senators Alston: Bravo, Diaz, Hatathlie, Kuby, Miranda, Sears, Sundareshan

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-110.01; AMENDING SECTIONS 41-1402, 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; AMENDING TITLE 41, CHAPTER 9, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1492.13; 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. Title 15, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-110.01, to read:

4 15-110.01. Public educational institutions; discrimination

5 A PUBLIC EDUCATIONAL INSTITUTION MAY NOT DISCRIMINATE AGAINST
6 STUDENTS OR PARENTS ON THE BASIS OF RACE, COLOR, RELIGION, SEX, SEXUAL
7 ORIENTATION, GENDER IDENTITY, AGE, NATIONAL ORIGIN OR DISABILITY.

8 Sec. 2. Section 41-1402, Arizona Revised Statutes, is amended to
9 read:

10 41-1402. Powers and duties of the division

11 A. The division may:

12 1. Employ an executive director for the board and other necessary
13 personnel whose compensation shall be as determined pursuant to section
14 38-611.

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

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

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

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

29 6. Make periodic surveys of the existence and effect of
30 discrimination because of race, color, religion, sex, SEXUAL ORIENTATION,
31 GENDER IDENTITY, age, disability, familial status or national origin in
32 the enjoyment of civil rights by any person within this state as
33 prescribed by this chapter.

34 7. Foster, through community effort, in cooperation with both
35 public and private groups, the elimination of discrimination based on
36 race, color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY, age,
37 disability, familial status or national origin.

38 8. Issue publications of results of studies, investigations and
39 research as in its judgment will tend to promote goodwill and the
40 elimination of discrimination between persons because of race, color,
41 religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY, age, disability,
42 familial status or national origin.

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

B. The division shall:

1. Administer this chapter.

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

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

41-1441. Definitions

In this article, unless the context otherwise requires:

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

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

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

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

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

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

B. PLACES OF PUBLIC ACCOMMODATION THAT PROVIDE FACILITIES SEGREGATED BY SEX FOR INDIVIDUALS TO USE WHEN IN A STATE OF UNDRESS OR WHEN PERFORMING BODILY FUNCTIONS, SUCH AS RESTROOMS AND LOCKER ROOMS, DO NOT VIOLATE THIS SECTION. SINGLE-OCCUPANCY FACILITIES VIOLATE THIS SECTION UNLESS THEY ARE GENDER NEUTRAL. REFUSING TO ALLOW A PERSON TO USE FACILITIES SEGREGATED BY SEX THAT CORRESPOND TO THE PERSON'S GENDER IDENTITY CONSTITUTES DISCRIMINATION ON THE BASIS OF GENDER IDENTITY. THIS SECTION DOES NOT PROHIBIT A PLACE OF PUBLIC ACCOMMODATION THAT HAS

FACILITIES SEGREGATED BY SEX FROM ALSO PROVIDING SEPARATE, PRIVATE FACILITIES TO INDIVIDUALS WHO REQUEST THEM.

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

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

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

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

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

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

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

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

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

5 ~~2.~~ 3. Provide signage at or near the entrance to the changing
6 station indicating the location of the changing station.

7 ~~3.~~ 4. Indicate the location of the changing station in the central
8 building directory, if such a directory exists.

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

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

13 (a) The installation would not be feasible.

14 (b) The installation would result in a failure to comply with the
15 Americans with disabilities act standards for access for persons with
16 disabilities.

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

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

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

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

24 E. For the purposes of this section:

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

27 2. "Public entity" means any:

28 (a) State or local government.

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

31 3. "Responsible authority" means an organization, office or
32 individual responsible for enforcing the requirements of a code or
33 standard or for approving equipment, materials, an installation or a
34 procedure.

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

39 5. "2010 Americans with disabilities act standards for accessible
40 design" means the 2010 standards for state and local government facilities
41 prescribed in 28 Code of Federal Regulations section 35.151 and 36 Code of
42 Federal Regulations part 1191, appendices B and D.

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

3 41-1461. Definitions

4 In this article, unless the context otherwise requires:

5 1. "Auxiliary aids and services" includes:

6 (a) Qualified interpreters or other effective methods of making
7 aurally delivered materials available to individuals with hearing
8 impairments.

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

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

13 (d) Other similar services and actions.

14 2. "Because of sex" and "on the basis of sex" includes because of
15 or on the basis of pregnancy or childbirth or related medical conditions.

16 3. "Being regarded as having such a physical or mental impairment":

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

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

24 4. "Covered entity" means an employer, employment agency, labor
25 organization or joint labor-management committee.

26 5. "Disability" means, with respect to an individual, except any
27 impairment caused by current use of illegal drugs, any of the following:

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

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

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

32 6. "Employee":

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

34 (b) Does not include an elected public official of this state or
35 any political subdivision of this state, any person chosen by an elected
36 official to be on the elected official's personal staff, an appointee on
37 the policymaking level or an immediate adviser with respect to the
38 exercise of the constitutional or legal powers of the office, unless the
39 person or appointee is subject to the civil service laws of this state or
40 any political subdivision of this state.

41 7. "Employer":

42 (a) Means a person who has fifteen or more employees for each
43 working day in each of twenty or more calendar weeks in the current or
44 preceding calendar year and any agent of that person or a person who has

1 one or more employees in the current or preceding calendar year and any
2 agent of that person, to the extent that the person is alleged to have:

3 (i) Committed any act of sexual harassment.

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

7 (b) Does not include either:

8 (i) The United States or any department or agency of the United
9 States, a corporation wholly owned by the government of the United States
10 or an Indian tribe.

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

14 8. "Employment agency" means any person regularly undertaking with
15 or without compensation to procure employees for an employer or to procure
16 for employees opportunities to work for an employer and includes an agent
17 of that person.

18 9. "GENDER IDENTITY" MEANS THE GENDER-RELATED IDENTITY AND
19 EXPRESSION, INCLUDING APPEARANCE, MANNERISMS OR OTHER GENDER-RELATED
20 CHARACTERISTICS, OF AN INDIVIDUAL REGARDLESS OF THE INDIVIDUAL'S
21 DESIGNATED SEX AT BIRTH.

22 ~~9.~~ 10. "Labor organization":

23 (a) Means a labor organization and any agent of a labor
24 organization.

25 (b) Includes:

26 (i) Any organization of any kind, any agency or employee
27 representation committee, group, association or plan in which fifteen or
28 more employees participate and that exists for the purpose, in whole or in
29 part, of dealing with employers concerning grievances, labor disputes,
30 wages, rates of pay, hours or other terms or conditions of employment.

31 (ii) Any conference, general committee, joint or system board or
32 joint council that is subordinate to a national or international labor
33 organization.

34 ~~10.~~ 11. "Major life activities" includes:

35 (a) Caring for oneself, performing manual tasks, seeing, hearing,
36 eating, sleeping, walking, standing, lifting, bending, speaking,
37 breathing, learning, reading, concentrating, thinking, communicating and
38 working.

39 (b) The operation of a major bodily function, including functions
40 of the immune system, normal cell growth and digestive, bowel, bladder,
41 neurological, brain, respiratory, circulatory, endocrine and reproductive
42 functions.

43 ~~11.~~ 12. "Person" means one or more individuals, governmental
44 agencies, political subdivisions, labor unions, partnerships,
45 associations, corporations, legal representatives, mutual companies,

1 joint-stock companies, trusts, unincorporated organizations, trustees,
2 trustees in bankruptcy or receivers.

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

7 ~~13.~~ 14. "Reasonable accommodation" includes:

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

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

18 ~~14.~~ 15. "Religion" means all aspects of religious observance and
19 practice, as well as belief. Unlawful practices as prohibited by this
20 article include practices with respect to religion unless an employer
21 demonstrates that the employer is unable, **AFTER INITIATING AND ENGAGING IN**
22 **AN AFFIRMATIVE AND BONA FIDE EFFORT**, to reasonably accommodate an
23 employee's or prospective employee's religious observance or practice
24 without undue hardship on the conduct of the employer's business.

25 ~~15.~~ 16. "Undue hardship":

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

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

31 (i) The nature and cost of the accommodations needed under this
32 article.

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

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

42 (iv) The type of operation or operations of the covered entity,
43 including the composition, structure and functions of the workforce of the
44 covered entity.

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

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

41-1463. Discrimination; unlawful practices; definition

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

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

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

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

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

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

~~C~~. D. It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment or otherwise to discriminate against any individual because of the individual's race, color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY, age or national origin or on the basis of disability or to classify or refer for employment any individual on the basis of the individual's race, color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY, age or national origin or on the basis of disability.

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

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

2. To limit, segregate or classify its membership or applicants for membership or to classify or fail or refuse to refer for employment any 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**, age or national origin
5 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**, age or national origin or on the basis of
14 disability in admission to or employment in any program established to
15 provide apprenticeship or other training and, if the individual is an
16 otherwise qualified individual, to fail or refuse to reasonably
17 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,
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** or national origin in those certain instances when religion, sex,
29 **SEXUAL ORIENTATION, GENDER IDENTITY** or national origin is a bona fide
30 occupational qualification reasonably necessary to the normal operation of
31 that particular business or enterprise.

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

41 3. For an employer to fail or refuse to hire or employ any
42 individual for any position, for an employment agency to fail or refuse to
43 refer any individual for employment in any position or for a labor
44 organization to fail or refuse to refer any individual for employment in
45 any position, if both of the following apply:

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

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

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

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

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

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

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

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

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

1 because of race, color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY**
 2 or national origin.

3 3. For any employer to differentiate on the basis of sex or
 4 disability in determining the amount of the wages or compensation paid or
 5 to be paid to employees of the employer if the differentiation is
 6 authorized by the provisions of section 6(d) or section 14 of the fair
 7 labor standards act of 1938, as amended (29 United States Code section
 8 206(d)).

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

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

30 ~~M. N.~~ The age discrimination prohibitions of this article ~~may~~ **DO**
 31 not ~~be construed to~~ prohibit compulsory retirement of any employee who has
 32 attained sixty-five years of age and who, for the ~~two-year~~ **TWO-YEAR** period
 33 immediately before retirement, is employed in a bona fide executive or
 34 high policymaking position, if the employee is entitled to an immediate
 35 nonforfeitable annual retirement benefit from a pension, profit sharing,
 36 savings or deferred compensation plan or any combination of plans of the
 37 employer for the employee, that equals, in the aggregate, at least
 38 \$44,000. In applying the retirement benefit test of this subsection, if
 39 any retirement benefit is in a form other than a straight life annuity,
 40 with no ancillary benefits, or if employees contribute to the plan or make
 41 rollover contributions, the benefit shall be adjusted in accordance with
 42 rules adopted by the division so the benefit is the equivalent of a
 43 straight life annuity, with no ancillary benefits, under a plan to which
 44 employees do not contribute and under which no rollover contributions are
 45 made.

~~N.~~ 0. A covered entity may require that an individual with a disability shall not pose a direct threat to the health or safety of other individuals in the workplace. For the purposes of this subsection, "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

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

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

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

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

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

B. It is an unlawful employment practice for an employer, labor organization, employment agency or joint labor-management committee controlling apprenticeship or other training or retraining programs, including on-the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by an employer or membership in or any classification or referral for employment by a labor organization, ~~or relating to~~ any classification or referral for employment by an employment agency or ~~relating to~~ admission or ~~to~~ employment in any program established to provide apprenticeship or other training by a joint labor-management committee indicating any preference, limitation, specification or discrimination based on race, color, religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY** or national origin, except that a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex or national origin when religion, sex, **SEXUAL ORIENTATION, GENDER IDENTITY** or national origin is a bona fide occupational qualification for employment.

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

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

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

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

B. Whenever a charge is filed by or on behalf of a person claiming to be aggrieved or by a member of the division, referred to as the charging party, alleging that an employer, employment agency, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs, including on-the-job training programs, has engaged in an unlawful employment practice, the division shall serve notice of and a copy of the charge on the employer, employment agency, labor organization or joint labor-management committee, referred to as the respondent, within ten days and shall investigate the charge. If the division determines after the investigation that there is not reasonable cause to believe that the charge is true, the division shall enter an order determining the same and dismissing the charge and shall notify the charging party and the respondent of its action. If the division determines after the investigation that there is reasonable cause to believe that the charge is true, the division shall enter an order containing its findings of fact and shall endeavor to eliminate the alleged unlawful employment practice by informal methods of conference, conciliation and persuasion. Any party to the informal proceeding may be represented by counsel. Counsel need not be a member of the state bar if counsel is licensed to practice law in

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

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

26 D. If within thirty days after the division has made a
27 determination that reasonable cause exists to believe that the charge is
28 true the division has not accepted a conciliation agreement to which the
29 charging party and the respondent are parties, the division may bring a
30 civil action against the respondent, other than the state, named in the
31 charge. The charging party shall have the right to intervene in a civil
32 action brought by the division. If a charge filed with the division
33 pursuant to subsection A of this section is dismissed by the division or
34 if within ninety days ~~from~~ AFTER the filing of such charge the division
35 has not filed a civil action under this section or has not entered into a
36 conciliation agreement with the charging party, the division shall so
37 notify the charging party. After providing the notice a civil action may
38 be brought against the respondent named in the charge by the charging
39 party or, if that charge was filed by a member of the division, by any
40 person whom the charge alleges was aggrieved by the alleged unlawful
41 employment practice. ~~In no event shall any~~ AN action MAY NOT be brought
42 pursuant to this article more than one year after the charge to which the
43 action relates has been filed. On application by the complainant and in
44 the circumstances as the court may deem just, the court may appoint an
45 attorney for such complainant and may authorize the commencement of the

1 action without the payment of fees, costs or security. On timely
2 application, the court may in its discretion allow the division to
3 intervene in civil actions in which the state is not a defendant on
4 certification that the case is of general public importance. ~~upon~~ ON
5 request the court may stay further proceedings for not more than sixty
6 days pending the further efforts of the parties or the division to obtain
7 voluntary compliance.

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

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

24 G. If the court finds that the defendant has intentionally engaged
25 in or is intentionally engaging in an unlawful employment practice alleged
26 in the complaint, the court may enjoin the defendant from engaging in the
27 unlawful employment practice and order the affirmative action as may be
28 appropriate. Affirmative action may include, ~~but is not limited to,~~
29 reinstatement or hiring of employees with or without back pay payable by
30 the employer, employment agency or labor organization responsible for the
31 unlawful employment practice or any other equitable relief as the court
32 deems appropriate. Back pay liability shall not accrue from a date more
33 than two years before the filing of the charge with the division. Interim
34 earnings or amounts earnable with reasonable diligence by the person or
35 persons discriminated against shall reduce the back pay otherwise
36 allowable. An order of the court shall not require the admission or
37 reinstatement of an individual as a member of a union or the hiring,
38 reinstatement or promotion of an individual as an employee or the payment
39 to the individual of any back pay if the individual was refused admission,
40 suspended or expelled or was refused employment or advancement or was
41 suspended or discharged for any reason other than discrimination on
42 account of race, color, religion, sex, SEXUAL ORIENTATION, GENDER
43 IDENTITY, age, disability or national origin or a violation of section
44 41-1464.

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

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

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

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

14 41-1491. Definitions

15 In this article, unless the context otherwise requires:

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

17 (a) Claims to have been injured by a discriminatory housing
18 practice.

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

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

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

26 4. "Conciliation" means the attempted resolution of issues raised
27 by a complaint or by the investigation of the complaint through informal
28 negotiations involving the aggrieved person, the respondent and the
29 attorney general.

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

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

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

42 8. "Dwelling" means either:

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

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

4 9. "Family" includes a single individual.

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

9 ~~10.~~ 11. "Person" means one or more individuals, corporations,
10 partnerships, associations, labor organizations, legal representatives,
11 mutual companies, joint stock companies, trusts, unincorporated
12 organizations, trustees, receivers, fiduciaries, banks, credit unions and
13 financial institutions.

14 ~~11.~~ 12. "Respondent" means either:

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

17 (b) Any person identified as an additional or substitute respondent
18 under section 41-1491.25 or an agent of an additional or substitute
19 respondent.

20 ~~12.~~ 13. "Service animal":

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

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

27 ~~13.~~ 14. "To rent" includes to lease, to sublease, to let or to
28 otherwise grant for a consideration the right to occupy premises not owned
29 by the occupant.

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

32 41-1491.05. Appraisal exemption

33 This article does not prohibit a person engaged in the business of
34 furnishing appraisals of real property from taking into consideration
35 factors other than race, color, religion, sex, SEXUAL ORIENTATION, GENDER
36 IDENTITY, disability, familial status or national origin.

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

39 41-1491.14. Discrimination in sale or rental

40 A. A person may not refuse to sell or rent after a bona fide offer
41 has been made or refuse to negotiate for the sale or rental of or
42 otherwise make unavailable or deny a dwelling to any person because of
43 race, color, religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY, familial
44 status or national origin.

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

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

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

41-1491.15. Publication of sales or rentals

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

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

41-1491.16. Inspection of dwelling

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

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

41-1491.17. Entry into neighborhood

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

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

41-1491.20. Residential real estate related transaction: definition

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

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

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

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

4 (b) To secure residential real estate.

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

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

8 41-1491.21. Brokerage services

9 A person may not deny any person access to, or membership or
10 participation in, a multiple listing service, real estate brokers'
11 organization or other service, organization or facility relating to the
12 business of selling or renting dwellings or may not discriminate against a
13 person in the terms or conditions of access, membership or participation
14 in such an organization, service or facility because of race, color,
15 religion, sex, SEXUAL ORIENTATION, GENDER IDENTITY, disability, familial
16 status or national origin.

17 Sec. 18. Title 41, chapter 9, article 8, Arizona Revised Statutes,
18 is amended by adding section 41-1492.13, to read:

19 41-1492.13. Prohibition on discrimination by recipients of
20 public monies; rules

21 A PUBLIC OR PRIVATE ENTITY MAY NOT DISCRIMINATE ON THE BASIS OF
22 RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, AGE,
23 NATIONAL ORIGIN OR DISABILITY IN THE OPERATION OF ANY PROGRAM THAT
24 RECEIVES MONIES PROVIDED, DIRECTED, ADMINISTERED OR FACILITATED BY THIS
25 STATE. THE ATTORNEY GENERAL'S OFFICE SHALL ADOPT REGULATIONS TO ENFORCE
26 THIS SECTION.

27 Sec. 19. Short title

28 This act may be cited as the "Statewide Nondiscrimination Act".