

ASSEMBLY BILL NO. 207—ASSEMBLYMEN WATTS; ANDERSON,
FLORES, GONZÁLEZ, NGUYEN AND PETERS

MARCH 8, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Provides that certain businesses which offer goods or services through an Internet website, mobile application or other electronic medium are places of public accommodation. (BDR 54-567)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public accommodations; expanding the definition of “place of public accommodation” to include a business which offers goods or services to the general public in this State through an Internet website, mobile application or other electronic medium and which is not operated from a physical location in this State; exempting certain online forums from the applicability of provisions governing places of public accommodation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that all persons have the right to the full and equal
2 enjoyment of the goods, services, facilities, privileges, advantages and
3 accommodations of any place of public accommodation without discrimination or
4 segregation based on race, color, religion, national origin, disability, sexual
5 orientation, sex or gender identity or expression. (NRS 651.070) A person who
6 withholds, denies or deprives any other person of this right, intimidates, threatens
7 or coerces any other person for the purpose of interfering with this right or punishes
8 any other person for exercising this right is guilty of a misdemeanor and is liable to
9 the person for damages. (NRS 651.080, 651.090) Existing law defines “place of
10 public accommodation” to include certain specified establishments and places and
11 any other establishment or place to which the public is invited or which is intended
12 for public use. (NRS 651.050) **Section 1** of this bill expands the definition of “place
13 of public accommodation” to include any online establishment, which is defined in
14 **section 1** as a business, whether or not conducted for profit, which offers goods or
15 services to the general public in this State through an Internet website, mobile



16 application or other electronic medium and which is not operated from a physical
17 location in this State.

18 Existing law exempts from the provisions governing places of public
19 accommodation certain private clubs and other establishments not in fact open to
20 the public. (NRS 651.060) **Section 2** of this bill additionally exempts from such
21 provisions a private online discussion forum, which is defined in **section 2** to mean
22 an online forum with not more than 1,000 members that is operated for the primary
23 purpose of allowing its members to exercise their constitutionally protected right of
24 expressive association and whose operator does not regularly receive certain
25 payments from nonmembers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 651.050 is hereby amended to read as follows:
2 651.050 As used in NRS 651.050 to 651.110, inclusive, unless
3 the context otherwise requires:

4 1. "Disability" means, with respect to a person:

5 (a) A physical or mental impairment that substantially limits one
6 or more of the major life activities of the person;

7 (b) A record of such an impairment; or

8 (c) Being regarded as having such an impairment.

9 2. "Gender identity or expression" means a gender-related
10 identity, appearance, expression or behavior of a person, regardless
11 of the person's assigned sex at birth.

12 3. *"Online establishment" means a business, whether or not*
13 *conducted for profit, which:*

14 (a) *Offers goods or services to the general public in this State*
15 *through an Internet website, mobile application or other electronic*
16 *medium; and*

17 (b) *Is not operated from a physical location in this State.*

18 4. "Place of public accommodation" means:

19 (a) Any inn, hotel, motel or other establishment which provides
20 lodging to transient guests, except an establishment located within a
21 building which contains not more than five rooms for rent or hire
22 and which is actually occupied by the proprietor of the
23 establishment as the proprietor's residence;

24 (b) Any restaurant, bar, cafeteria, lunchroom, lunch counter,
25 soda fountain, casino or any other facility where food or spirituous
26 or malt liquors are sold, including any such facility located on the
27 premises of any retail establishment;

28 (c) Any gasoline station;

29 (d) Any motion picture house, theater, concert hall, sports arena
30 or other place of exhibition or entertainment;

31 (e) Any auditorium, convention center, lecture hall, stadium or
32 other place of public gathering;



1 (f) Any bakery, grocery store, clothing store, hardware store,
2 shopping center or other sales or rental establishment;

3 (g) Any laundromat, dry cleaner, bank, barber shop, beauty
4 shop, travel service, shoe repair service, funeral parlor, office of an
5 accountant or lawyer, pharmacy, insurance office, office of a
6 provider of health care, hospital or other service establishment;

7 (h) Any terminal, depot or other station used for specified public
8 transportation;

9 (i) Any museum, library, gallery or other place of public display
10 or collection;

11 (j) Any park, zoo, amusement park or other place of recreation;

12 (k) Any nursery, private school or university or other place of
13 education;

14 (l) Any day care center, senior citizen center, homeless shelter,
15 food bank, adoption agency or other social service establishment;

16 (m) Any gymnasium, health spa, bowling alley, golf course or
17 other place of exercise or recreation;

18 (n) *Any online establishment;*

19 (o) Any other establishment or place to which the public is
20 invited or which is intended for public use; and

21 ~~[(e)]~~ (p) Any establishment *that is operated from a physical*
22 *location and physically* ~~[containing]~~ *contains or is contained within*
23 *any of the establishments that are operated from a physical*
24 *location* described in paragraphs (a) to ~~[(n)]~~ (o), inclusive, *and*
25 which holds itself out as serving patrons of the described
26 establishment.

27 ~~[4.]~~ 5. “Sexual orientation” means having or being perceived
28 as having an orientation for heterosexuality, homosexuality or
29 bisexuality.

30 **Sec. 2.** NRS 651.060 is hereby amended to read as follows:

31 651.060 1. The provisions of NRS 651.050 to 651.110,
32 inclusive, do not apply to any private club , *private online*
33 *discussion forum* or other establishment not in fact open to the
34 public, except to the extent that the facilities of such establishment
35 are made available to the customers or patrons of an establishment
36 within the scope of NRS 651.050.

37 2. *As used in this section, “private online discussion forum”*
38 *means an online forum:*

39 (a) *Which is operated for the primary purpose of allowing its*
40 *members to exercise their constitutionally protected right of*
41 *expressive association;*

42 (b) *Which has not more than 1,000 members; and*

43 (c) *The operator of which does not regularly receive payment,*
44 *directly or indirectly, from or on behalf of nonmembers for dues,*



- 1 *fees, use of facilities or goods or services for the furtherance of*
- 2 *trade or business.*

⑩

