

Amendment No. 241

Assembly Amendment to Assembly Bill No. 207	(BDR 54-567)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SJQ/AAK



Date: 4/19/2021

A.B. No. 207—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)



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.

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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 ~~[-, regardless of whether or]~~ **and which is not** ~~[-the business is]~~ 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 enjoyment of the
2 goods, services, facilities, privileges, advantages and accommodations of any place of public
3 accommodation without discrimination or segregation based on race, color, religion, national
4 origin, disability, sexual orientation, sex or gender identity or expression. (NRS 651.070) A
5 person who withholds, denies or deprives any other person of this right, intimidates, threatens
6 or coerces any other person for the purpose of interfering with this right or punishes any other
7 person for exercising this right is guilty of a misdemeanor and is liable to the person for
8 damages. (NRS 651.080, 651.090) Existing law defines “place of public accommodation” to
9 include certain specified establishments and places and any other establishment or place to
10 which the public is invited or which is intended for public use. (NRS 651.050) **Section 1**
11 **of this bill expands the definition of “place of public accommodation” to include any online**
12 **establishment, which is defined in section 1 as a business, whether or not conducted for profit,**
13 **which offers goods or services to the general public in this State through an Internet website,**
14 **mobile application or other electronic medium** ~~[-, regardless of whether or]~~ **and which is not**
15 ~~[-the business is]~~ **operated from a physical location** ~~[-]~~ **in this State.**
16 Existing law exempts from the provisions governing places of public accommodation
17 certain private clubs and other establishments not in fact open to the public. (NRS 651.060)
18 **Section 2 of this bill additionally exempts from such provisions a private online discussion**
19 **forum, which is defined in section 2 to mean an online forum with not more than 1,000**
20 **members that is operated for the primary purpose of allowing its members to exercise their**

21 constitutionally protected right of expressive association and whose operator does not
 22 regularly receive certain 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 the context
 3 otherwise requires:
 4 1. “Disability” means, with respect to a person:
 5 (a) A physical or mental impairment that substantially limits one or more of the
 6 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 identity,
 10 appearance, expression or behavior of a person, regardless of the person’s assigned
 11 sex at birth.
 12 3. *“Online establishment” means a business, whether or not conducted for*
 13 *profit, which ~~offers~~ ;*
 14 *(a) Offers goods or services to the general public in this State through an*
 15 *Internet website, mobile application or other electronic medium ~~;~~ regardless of*
 16 *~~whether or not the business is~~ ; 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 lodging to
 20 transient guests, except an establishment located within a building which contains
 21 not more than five rooms for rent or hire and which is actually occupied by the
 22 proprietor of the establishment as the proprietor’s residence;
 23 (b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain,
 24 casino or any other facility where food or spirituous or malt liquors are sold,
 25 including any such facility located on the premises of any retail establishment;
 26 (c) Any gasoline station;
 27 (d) Any motion picture house, theater, concert hall, sports arena or other place
 28 of exhibition or entertainment;
 29 (e) Any auditorium, convention center, lecture hall, stadium or other place of
 30 public gathering;
 31 (f) Any bakery, grocery store, clothing store, hardware store, shopping center
 32 or other sales or rental establishment;
 33 (g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel
 34 service, shoe repair service, funeral parlor, office of an accountant or lawyer,
 35 pharmacy, insurance office, office of a provider of health care, hospital or other
 36 service establishment;
 37 (h) Any terminal, depot or other station used for specified public
 38 transportation;
 39 (i) Any museum, library, gallery or other place of public display or collection;
 40 (j) Any park, zoo, amusement park or other place of recreation;
 41 (k) Any nursery, private school or university or other place of education;
 42 (l) Any day care center, senior citizen center, homeless shelter, food bank,
 43 adoption agency or other social service establishment;
 44 (m) Any gymnasium, health spa, bowling alley, golf course or other place of
 45 exercise or recreation;

1 (n) *Any online establishment;*

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

4 ~~[(e)]~~ (p) Any establishment *that is operated from a physical location and*
5 physically ~~containing~~ *contains* or *is* contained within any of the establishments
6 *that are operated from a physical location* described in paragraphs (a) to ~~[(e)]~~ (o),
7 inclusive, *and* which holds itself out as serving patrons of the described
8 establishment.

9 ~~[(4)]~~ 5. “Sexual orientation” means having or being perceived as having an
10 orientation for heterosexuality, homosexuality or bisexuality.

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

12 651.060 1. The provisions of NRS 651.050 to 651.110, inclusive, do not
13 apply to any private club, *private online discussion forum* or other establishment
14 not in fact open to the public, except to the extent that the facilities of such
15 establishment are made available to the customers or patrons of an establishment
16 within the scope of NRS 651.050.

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

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

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

22 (c) *The operator of which does not regularly receive payment, directly or*
23 *indirectly, from or on behalf of nonmembers for dues, fees, use of facilities or*
24 *goods or services for the furtherance of trade or business.*