

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0504.01 Jed Franklin x5484

HOUSE BILL 24-1124

HOUSE SPONSORSHIP

Soper and Mabrey,

SENATE SPONSORSHIP

Will and Gonzales,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING DISCRIMINATION IN PLACES OF PUBLIC
102 ACCOMMODATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes the place of business of any person that is listed as an exempt organization in 26 U.S.C. sec. 501 (c), that is exempt from taxation pursuant to 26 U.S.C. sec. 501 (a) of the federal "Internal Revenue Code of 1986", as amended, and that is operating a place of business engaged in any sales to the public or offering services, facilities, privileges, advantages, or accommodations to the public is a place of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

public accommodation subject to the provisions of the Colorado anti-discrimination act (act). A person may be fined \$10,000 for violating the act.

The bill prohibits viewpoint discrimination in places of public accommodation, unless the reason for the discrimination is based on a bona fide concern for the well-being of the nonprofit.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-601, **amend**
3 (1) and (2)(a); and **add** (4) and (5) as follows:

4 **24-34-601. Discrimination in places of public accommodation**

5 - **definition.** (1) As used in this part 6, "place of public accommodation"
6 means any place of business, INCLUDING A NONPROFIT'S PLACE OF
7 BUSINESS, engaged in any sales to the public and any place offering
8 services, facilities, privileges, advantages, or accommodations to the
9 public, including but not limited to any business, INCLUDING A
10 NONPROFIT, offering wholesale or retail sales to the public; any place to
11 eat, drink, sleep, or rest, or any combination thereof; any sporting or
12 recreational area and facility; any public transportation facility; a barber
13 shop, bathhouse, swimming pool, bath, steam or massage parlor,
14 gymnasium, or other establishment conducted to serve the health,
15 appearance, or physical condition of a person; a campsite or trailer camp;
16 a dispensary, clinic, hospital, convalescent home, or other institution for
17 the sick, ailing, aged, or infirm; a mortuary, undertaking parlor, or
18 cemetery; an educational institution; or any public building, park, arena,
19 theater, hall, auditorium, museum, library, exhibit, or public facility of
20 any kind whether indoor or outdoor. "Place of public accommodation"
21 ~~shall~~ DOES not include a church, synagogue, mosque, or other place that
22 is principally used for religious purposes.

1 (2) (a) It is a discriminatory practice and unlawful for a person,
2 directly or indirectly, to refuse, withhold from, or deny to an individual
3 or a group, because of disability, race, creed, color, sex, sexual
4 orientation, gender identity, gender expression, marital status, national
5 origin, ~~or~~ ancestry, OR VIEWPOINT, the full and equal enjoyment of the
6 goods, services, facilities, privileges, advantages, or accommodations of
7 a place of public accommodation or, directly or indirectly, to publish,
8 circulate, issue, display, post, or mail any written, electronic, or printed
9 communication, notice, or advertisement that indicates that the full and
10 equal enjoyment of the goods, services, facilities, privileges, advantages,
11 or accommodations of a place of public accommodation will be refused,
12 withheld from, or denied an individual or that an individual's patronage
13 or presence at a place of public accommodation is unwelcome,
14 objectionable, unacceptable, or undesirable because of disability, race,
15 creed, color, sex, sexual orientation, gender identity, gender expression,
16 marital status, national origin, ~~or~~ ancestry, OR VIEWPOINT.

17 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES, "NONPROFIT" MEANS ANY PERSON THAT IS LISTED AS AN
19 EXEMPT ORGANIZATION IN 26 U.S.C. SEC. 501 (c) AND THAT IS EXEMPT
20 FROM TAXATION PURSUANT TO 26 U.S.C. SEC. 501 (a) OF THE FEDERAL
21 "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

22 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
23 IT IS NOT A DISCRIMINATORY PRACTICE OR UNLAWFUL TO RESTRICT AN
24 INDIVIDUAL'S OR GROUP'S ADMISSION TO A PLACE OF PUBLIC
25 ACCOMMODATION BASED ON VIEWPOINT IF THE RESTRICTION IS BASED ON
26 A BONA FIDE CONCERN FOR SAFETY AND WELL- BEING OF THE NONPROFIT.

27 **SECTION 2.** In Colorado Revised Statutes, 24-34-602, **amend**

1 (1)(a) as follows:

2 **24-34-602. Penalty and civil liability.** (1) (a) Any person who
3 violates section 24-34-601 shall be fined ~~not less than fifty dollars nor~~
4 ~~more than five hundred~~ TEN THOUSAND dollars for each violation. A
5 person aggrieved by the violation of section 24-34-601 ~~shall~~ MAY bring
6 an action in any court of competent jurisdiction in the county where the
7 violation occurred. Upon finding a violation, the court shall order the
8 defendant to pay the fine to the aggrieved party.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2024 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.