

# **Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES**

## **Part 12: HUMAN RIGHTS**

### **Chapter 337: HUMAN RIGHTS ACT**

#### **Subchapter 5: PUBLIC ACCOMMODATIONS**

#### **§4592. Unlawful public accommodations**

This section does not require an entity to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that entity when the individual poses a direct threat to the health or safety of others. For the purposes of this section, the term "direct threat" means a significant risk to the health or safety of others that can not be eliminated by a modification of policies, practices or procedures or by the provision of auxiliary aids or services. [PL 1995, c. 511, §2 (NEW); PL 1995, c. 511, §3 (AFF).]

It is unlawful public accommodations discrimination, in violation of this Act: [PL 1991, c. 99, §21 (AMD).]

**1. Denial of public accommodations.** For any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any place of public accommodation to directly or indirectly refuse, discriminate against or in any manner withhold from or deny the full and equal enjoyment to any person, on account of race or color, sex, sexual orientation or gender identity, age, physical or mental disability, religion, ancestry or national origin, any of the accommodations, advantages, facilities, goods, services or privileges of public accommodation, or in any manner discriminate against any person in the price, terms or conditions upon which access to accommodations, advantages, facilities, goods, services and privileges may depend.

For purposes of this subsection, unlawful discrimination also includes, but is not limited to:

A. The imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages or accommodations, unless the criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages or accommodations being offered; [PL 1995, c. 393, §22 (NEW).]