

## ELLIOTT-LARSEN CIVIL RIGHTS ACT (EXCERPT)

### Act 453 of 1976

#### ARTICLE 3

#### 37.2301 Definitions.

Sec. 301. As used in this article:

(a) "Place of public accommodation" means a business, or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Place of public accommodation also includes the facilities of the following private clubs:

(i) A country club or golf club.

(ii) A boating or yachting club.

(iii) A sports or athletic club.

(iv) A dining club, except a dining club that in good faith limits its membership to the members of a particular religion for the purpose of furthering the teachings or principles of that religion and not for the purpose of excluding individuals of a particular sex, race, or color.

(b) "Public service" means a public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of this state, a political subdivision, or an agency of this state or of a political subdivision or a tax exempt private agency established to provide service to the public, except that public service does not include a state or county correctional facility with respect to actions and decisions regarding an individual serving a sentence of imprisonment.

**History:** 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1992, Act 70, Imd. Eff. May 29, 1992;—Am. 1999, Act 202, Eff. Mar. 10, 2000;—Am. 2023, Act 6, Eff. Feb. 13, 2024.

**Compiler's note:** Enacting section 1 of Act 202 of 1999 provides:

"Enacting section 1. This amendatory act is curative and intended to correct any misinterpretation of legislative intent in the court of appeals decision Neal v Department of Corrections, 232 Mich App 730 (1998). This legislation further expresses the original intent of the legislature that an individual serving a sentence of imprisonment in a state or county correctional facility is not within the purview of this act."

**Constitutionality:** In Doe v Dep't of Corrections, 504 Mich 883 (2019), the Michigan Supreme Court denied the application for leave to appeal the March 27, 2018 judgment in Doe v Dep't of Corrections, 323 Mich App 479, that held that section 301(b) as amended by Act 202 of 1999 to effectively bar correctional-facility prisoners from bringing ELCRA suits is in direct violation of article I, section 2 of the state constitution of 1963.

#### 37.2302 Public accommodations or services; prohibited practices.

Sec. 302. Except where permitted by law, a person shall not do any of the following:

(a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status.

(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign that indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status.

**History:** 1976, Act 453, Eff. Mar. 31, 1977;—Am. 2023, Act 6, Eff. Feb. 13, 2024.

**Constitutionality:** The goal of the Civil Rights Act was to broaden the scope of equal protection rather than the standard of equal protection developed by the courts in the course of interpreting the equal protection provisions of United States and Michigan Constitutions. *Civil Rights Department v Waterford*, 425 Mich 173; 387 NW2d 821 (1986).

#### 37.2302a Applicability to private club.

Sec. 302a. (1) This section applies to a private club that is defined as a place of public accommodation under section 301(a).

(2) If a private club allows use of its facilities by 1 or more adults per membership, the use must be equally available to all adults entitled to use the facilities under the membership. All classes of membership must be available without regard to race, color, sex, sexual orientation, gender identity or expression, religion, marital status, or national origin. Memberships that permit use during restricted times may be allowed only if the restricted times apply to all adults using that membership.

(3) A private club that has food or beverage facilities or services shall allow equal access to those facilities and services for all adults in all membership categories at all times. This subsection does not require service or access to facilities to persons that would violate any law or ordinance regarding sale, consumption, or regulation of alcoholic beverages.

(4) This section does not prohibit a private club from sponsoring or permitting sports schools or leagues for children less than 18 years of age that are limited by age or to members of 1 sex, if comparable and equally convenient access to the club's facilities is made available to both sexes and if these activities are not used as a subterfuge to evade the purposes of this article.

**History:** Add. 1992, Act 70, Imd. Eff. May 29, 1992;—Am. 2023, Act 6, Eff. Feb. 13, 2024.

### **37.2303 Exemptions.**

Sec. 303. This article shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the state under Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 through 436.58 of the Michigan Compiled Laws. This section shall not apply to a private club that is otherwise defined as a place of public accommodation in this article.

**History:** 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1992, Act 70, Imd. Eff. May 29, 1992.

### **37.2304 Violation.**

Sec. 304. Within 30 days after a determination by the commission that a place of public accommodation that holds a license issued by the liquor control commission under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws, has violated this article, the commission shall certify that determination to and shall file a complaint alleging a violation of Act No. 8 of the Public Acts of the Extra Session of 1933 with the liquor control commission.

**History:** Add. 1992, Act 70, Imd. Eff. May 29, 1992.