
By Ms. Pines, petition (accompanied by bill, Senate, No. 72) of Lois G. Pines, Linda J. Melconian, Patricia D. Jehlen, Louis L. Kafka and Barbara Hildt for legislation to prohibit discriminatory membership practices by private clubs. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO DISCRIMINATION WHICH DETERS BUSINESS AND PROFESSIONAL ADVANCEMENT OF MASSACHUSETTS CITIZENS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 138 of the General Laws, as appearing in the 1990
2 Official Edition, is hereby amended by adding after section 23B
3 the following new section: —

4 Section 23C. (a) The following words as used in this section
5 shall have the following meanings: —

6 (1) “Regular meal service” shall mean the provision, either
7 directly or under a contract with another person, of breakfast,
8 lunch, or dinner on three or more days per week during two or
9 more weeks per month during six or more months per year.

10 (2) “Regular beverage service” shall mean the provision of
11 alcoholic beverages, soft drinks, or both, at the club premises for
12 one hour or more on three or more days per weeks during two
13 or more weeks per month during six or more months per year.

14 (b) No club licensed for the sale of alcoholic beverages to
15 members and guests pursuant to chapter 138 that is not distinctly
16 private and employs its facilities and alcoholic beverages license
17 for commercial purposes may deny to any person entry, use of
18 facilities or perceived sexual orientation, or disability; Provided
19 that this section shall not apply to any club commonly referred
20 to as an “ethnic club” that does not discriminate on the basis of
21 any person’s sex, race, creed, color, religion, actual or perceived

22 sexual orientation, or disability unless there has been a finding
23 of discrimination under Chapter 151B of the General Laws of
24 Massachusetts.

25 (c) Evidence that a club is not distinctly private and that it
26 employs its facilities and alcoholic beverages license for
27 commercial purposes shall include the following:

28 (1) The size of the club to the extent that it has more than one
29 hundred members;

30 (2) The provision of regular meal and beverage service;

31 (3) The degree to which the club receives payment for dues, fees,
32 use of space, facilities, services, meals or beverages directly or
33 indirectly from or on behalf of nonmembers for the furtherance
34 of trade or business or professional interests;

35 (4) The frequency with which the premises or any part of the
36 premises are used for conferences and meetings sponsored by or
37 on behalf of trade or business or professional enterprises;

38 (5) The frequency with which nonmembers are invited to be on
39 the club premises for meal and beverage service, for private
40 functions, or for the use of any of the club facilities;

41 (6) The degree to which times are established for members to
42 meet and to associate at the premises without the presence of
43 nonmembers, other than staff; and

44 (7) The degree to which persons are selected for membership
45 in the club on the basis of trade or business or professional
46 association or achievement as evidenced by the number of
47 members who are partners, officers, directors, or trustees of trade
48 or business or professional enterprises.

49 (d) (1) No license for the sale of alcoholic beverages shall be
50 issued or renewed for the benefit of a club, and the Commission
51 may revoke a license, unless that club files a statement with the
52 appropriate licensing authority pursuant to chapter 138, verified
53 by its president or chief operating officer, setting forth that it does
54 not discriminate on the basis of sex, race, creed, color, religion,
55 ancestry, national origin, actual or perceived sexual orientation,
56 or disability.

57 (2) A club that files a false or misleading statement under this
58 section shall be punished by a fine of not less than one hundred
59 nor more than one thousand dollars. The fine shall be paid to the
60 Commission and be used for the enforcement of this section.

61 (e) This section shall not be construed to apply to a religious
62 organization or any organization operating solely for religious,
63 charitable, educational or social welfare purposes, from restricting
64 membership or facilities to persons of the same religious faith,
65 where necessary to promote the religious principles under which
66 it was established and is currently maintained. This exemption
67 shall apply to all organizations whose primary purpose is to serve
68 members of a particular religion.

The first of these is the fact that the
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