



Survey of Federal & State Laws: Understanding Your Right To Be Treated Fairly and Without Discrimination in Restaurants, Stores, and Other Businesses

PUBLIC ACCOMMODATION LAWS BASED ON RACE, COLOR, AND/OR NATIONAL ORIGIN

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*** This survey is provided solely for informational purposes. Stop AAPI Hate does not warrant the accuracy of the information contained herein. Users are encouraged to seek advice from a licensed attorney regarding potential violations of any applicable public accommodation laws. ***

CAVEATS

- (1) This survey reviews general public accommodation statutes under federal law and the laws of the states and District of Columbia. A review of case law interpreting the scope and application of these statutes as well as a review of other statutes that may provide general anti-discrimination protections or other indirect legal protections are beyond the scope of this survey.
- (2) The scope of public accommodation statutes differ from jurisdiction to jurisdiction based on differences in how key terms are statutorily defined and the existence of different statutory exemptions to the statutes.
- (3) Additional public accommodation laws may exist at the local (sub-federal/state) level. A comprehensive survey of which localities have enacted such laws is beyond the scope of this survey. However, in jurisdictions where no statewide public accommodation laws for individuals based on race, color, or national origin exist, an attempt has been made to determine whether local public accommodation laws exist in major urban centers in those jurisdictions.



- (4) To the extent this survey indicates no private right of action exists, that merely indicates no private right of action is expressly authorized by that jurisdiction's general public accommodation statute. It is possible that a private right of action may be brought under alternative legal theories, the existence of which are beyond the scope of this survey.

WARNINGS

- (1) If pursuing an administrative remedy for a potential violation of public accommodation laws, many jurisdictions require individuals to report any such violations within a specified time period after the alleged violation. Similarly, if pursuing a private right of action in state court for a potential violation of public accommodation laws, many jurisdictions require individuals to file such actions within a specified time period after the alleged violation. Thus, it is important to timely report any such violations and/or file a private right of action as soon as practically possible.
- (2) In jurisdictions where it is possible to pursue a private right of action in state court without first pursuing an administrative remedy, carefully consider: (1) the potential advantages and disadvantages of both remedies before choosing which remedy to pursue; (2) whether pursuing one remedy will prohibit you from pursuing the other remedy as a legal or practical matter; and (3) whether there are other statutory preconditions to pursuing a private right of action in state court.



JURISDICTION	PUBLIC ACCOMMODATION STATUTE	REPORTING VIOLATIONS
United States	Title II of the Civil Rights Act of 1964 (42 U.S.C. § 2000a)	<p><u>Reporting Violations:</u> File a complaint with the Civil Rights Division of the United States Department of Justice. https://civilrights.justice.gov/#report-a-violation</p> <p><u>Private right of action authorized by statute?</u> Yes. 42 U.S.C. § 2000a-3.</p>
Alabama	<p>No statewide public accommodation law for individuals based on race, color, or national origin.</p> <p>Check whether local public accommodation laws (<i>e.g.</i>, municipal ordinances) exist for your specific locality.</p> <p><u>Examples of municipalities with public accommodation ordinances:</u> Birmingham (Birmingham Ordinances 17-121 and 18-188).</p>	<p><u>Reporting Violations:</u> File a complaint with the Civil Rights Division of the United States Department of Justice or, if a local public accommodation law exists, with the specified local agency. https://civilrights.justice.gov/#report-a-violation</p>
Alaska	Alaska Statutes § 18.80.230	<p><u>Reporting Violations:</u> Contact the Alaska Commission for Human Rights. https://humanrights.alaska.gov/services/complaints/</p> <p><u>Private right of action authorized by statute?</u> Yes. Alaska Statutes § 22.10.020.</p>



Arizona	Arizona Revised Statutes § 41-1442	<p><u>Reporting Violations:</u> Submit a Civil Rights Intake Questionnaire to the Arizona Attorney General's Office. https://www.azag.gov/complaints/civil-rights</p> <p><u>Private right of action authorized by statute?</u> Yes. Arizona Revised Statutes § 41-1492.08.</p>
Arkansas	Arkansas Code § 16-123-107	<p><u>Reporting Violations:</u> Arkansas does not have a statewide agency designated to receive and process complaints regarding violations of its state public accommodation statute. Consider filing a general consumer complaint with the Arkansas Office of the Attorney General. https://portal.arkansas.gov/agency/attorney-generals-office/ and https://arkansasag.gov/forms/file-a-consumer-complaint/</p> <p><u>Private right of action authorized by statute?</u> Yes. Arkansas Code §§ 16-123-105, 16-123-107.</p>
California	California Civil Code § 51	<p><u>Reporting Violations:</u> File a complaint with the California Department of Fair Employment and Housing. https://www.dfeh.ca.gov/ComplaintProcess/#fileComplaintBody</p> <p><u>Private right of action authorized by statute?</u> Yes. California Civil Code § 52.</p>
Colorado	Colorado Revised Statutes § 24-34-601	<p><u>Reporting Violations:</u> File a complaint with the Civil Rights Division of the Colorado Department of Regulatory Agencies. https://ccrd.colorado.gov/discrimination and https://socgov07-site.secure.force.com/ColoradoCivilRights/</p>



		<p><u>Private right of action authorized by statute?</u> Yes, following the exhaustion of administrative remedies. Colorado Revised Statutes §§ 24-34-306, 24-34-602.</p>
Connecticut	Connecticut General Statutes §§ 46a-64, 81d	<p><u>Reporting Violations:</u> File a complaint with the Connecticut Commission on Human Rights and Opportunities. https://portal.ct.gov/CHRO/Complaint-Process/Complaint-Process/How-to-File-a-Discrimination-Complaint</p> <p><u>Private right of action authorized by statute?</u> No. <i>See, e.g., Wright v. City of Hartford</i>, 1998 WL 83670, at *3 (Conn. Super. Feb. 13, 1998).</p>
Delaware	Delaware Code tit. 6, § 4504	<p><u>Reporting Violations:</u> File a complaint with the Delaware Division of Human Relations. https://statehumanrelations.delaware.gov/file-discrimination-complaint/</p> <p><u>Private right of action authorized by statute?</u> No. Delaware Code tit. 6, § 4508.</p>
District of Columbia	District of Columbia Code § 2-1402.31	<p><u>Reporting Violations:</u> File a complaint with the District of Columbia Office of Human Rights. https://ohr.dc.gov/service/file-discrimination-complaint</p> <p><u>Private right of action authorized by statute?</u> Yes. District of Columbia Code § 2-1403.16.</p>
Florida	Florida Statutes §§ 413.08, 760.08	<p><u>Reporting Violations:</u> File a complaint with the Florida Commission on Human Relations.</p>



		https://fchr.myflorida.com/public-accommodations <u>Private right of action authorized by statute?</u> Yes, following the exhaustion of administrative remedies. Florida Statutes §§ 760.07, 760.11.
Georgia	<p>No statewide public accommodation law for individuals based on race, color, or national origin / Check whether local public accommodation laws (<i>e.g.</i>, municipal ordinances) exist for your specific locality.</p> <p><u>Examples of municipalities with public accommodation ordinances:</u> Atlanta (Atlanta Code of Ordinances, ch. 94, arts. II & III, §§ 94-10 to 94-68, 94-120 to 94-121).</p>	<p><u>Reporting Violations:</u> File a complaint with the Civil Rights Division of the United States Department of Justice or, if a local public accommodation law exists, with the specified local agency.</p> <p>https://civilrights.justice.gov/#report-a-violation</p>
Hawaii	Hawaii Revised Statutes §§ 489-3 to 489-7	<p><u>Reporting Violations:</u> File a Pre-Complaint Questionnaire with the Hawaii Civil Rights Commission.</p> <p>https://labor.hawaii.gov/hcrc/files/2012/12/PCQ.pdf</p> <p><u>Private right of action authorized by statute?</u> Yes. Hawaii Revised Statutes § 489-7.5.</p>
Idaho	Idaho Code § 67-5909	<p><u>Reporting Violations:</u> Submit an inquiry with the Idaho Human Rights Commission.</p>



		https://humanrights.idaho.gov/Idaho-Law/Contexts/Public-Accommodation <u>Private right of action authorized by statute?</u> Yes, following resolution of complaint filed with the Idaho Commission on Human Rights. Idaho Code § 67-5908.
Illinois	Illinois Compiled Statutes ch. 775, act 5, art. 5, §§ 101 to 103	<u>Reporting Violations:</u> Submit an inquiry with the Illinois Department of Human Rights. https://www2.illinois.gov/dhr/FilingCharge/Pages/default.aspx <u>Private right of action authorized by statute?</u> Yes. Illinois Compiled Statutes ch. 775, act 5, art. 7A, §§ 102, 104.
Indiana	Indiana Code § 22-9-1-2	<u>Reporting Violations:</u> File a complaint with the Indiana Civil Rights Commission. https://www.in.gov/icrc/2651.htm <u>Private right of action authorized by statute?</u> Yes. Indiana Code §§ 22-9-1-16, 22-9-1-17.
Iowa	Iowa Code § 216.7	<u>Reporting Violations:</u> File a complaint with the Iowa Civil Rights Commission. https://icrc.iowa.gov/file-complaint <u>Private right of action authorized by statute?</u> Yes, following the exhaustion of administrative remedies. Iowa Code § 216.16.
Kansas	Kansas Statutes § 44-1001	<u>Reporting Violations:</u> File a complaint with the Kansas Human Rights Commission. http://www.khrc.net/complaint.html



		<p><u>Private right of action authorized by statute?</u> Yes, following the exhaustion of administrative remedies. Kansas Statutes § 44-1005.</p>
Kentucky	Kentucky Revised Statutes §§ 344.120, 344.140, 344.145	<p><u>Reporting Violations:</u> File a complaint with the Kentucky Commission on Human Rights. https://kchr.ky.gov/Pages/File-a-Complaint.aspx</p> <p><u>Private right of action authorized by statute?</u> Yes. Kentucky Revised Statutes §§ 344.270, 344.450.</p>
Louisiana	Louisiana Revised Statutes § 51:2247	<p><u>Reporting Violations:</u> File a Public Accommodations Discrimination Intake Form with the Louisiana Commission on Human Rights. https://gov.louisiana.gov/index.cfm/form/home/28</p> <p><u>Private right of action authorized by statute?</u> Yes. Louisiana Revised Statutes § 51:2264.</p>
Maine	Maine Revised Statutes tit. 5, §§ 4591, 4592	<p><u>Reporting Violations:</u> File a complaint with the Maine Human Rights Commission. https://www.maine.gov/mhrc/file</p> <p><u>Private right of action authorized by statute?</u> Yes, following the exhaustion of administrative remedies. Maine Revised Statutes tit. 5, §§ 4621, 4622.</p>
Maryland	Maryland State Government Code §§ 20-301 to 20-305	<p><u>Reporting Violations:</u> File a complaint with the Maryland Commission on Civil Rights. https://mccr.maryland.gov/Pages/Intake.aspx</p> <p><u>Private right of action authorized by statute?</u> No.</p>



Massachusetts	Massachusetts General Laws ch. 272, § 98	<p><u>Reporting Violations:</u> File a complaint with the Massachusetts Commission Against Discrimination. https://www.mass.gov/file-a-complaint-of-discrimination</p> <p><u>Private right of action authorized by statute?</u> Yes. Massachusetts General Laws ch. 151B, § 5 & ch. 272, § 98.</p>
Michigan	Michigan Compiled Laws §§ 37.1102, 37.1302, 37.2102, 37.2302	<p><u>Reporting Violations:</u> Contact the Michigan Department of Civil Rights. https://www.michigan.gov/mdcr/0,4613,7-138-70682_67734-153171--,00.html</p> <p><u>Private right of action authorized by statute?</u> Yes. Michigan Compiled Laws §§ 37.1606, 37.2801.</p>
Minnesota	Minnesota Statutes §§ 363A.11, 363A.24	<p><u>Reporting Violations:</u> File a complaint with the Minnesota Department of Human Rights. https://mn.gov/mdhr/intake/consultationinquiryform/</p> <p><u>Private right of action authorized by statute?</u> Yes. Minnesota Statutes § 363A.33.</p>
Mississippi	<p>No statewide public accommodation law for individuals based on race, color, or national origin.</p> <p>Check whether local public accommodation laws (e.g., municipal</p>	<p><u>Reporting Violations:</u> File a complaint with the Civil Rights Division of the United States Department of Justice or, if a local public accommodation law exists, with the specified local agency. https://civilrights.justice.gov/#report-a-violation</p>



	ordinances) exist for your specific locality. <u>Examples of municipalities with public accommodation ordinances:</u> Jackson (Jackson Code of Ordinances, art. X, §§ 86-301 to 86-306).	
Missouri	Missouri Statutes §§ 213.065, 213.070	<u>Reporting Violations:</u> File a complaint with the Missouri Commission on Human Rights. https://labor.mo.gov/mohumanrights/File_Complaint <u>Private right of action authorized by statute?</u> Yes. Missouri Statutes § 213.076.
Montana	Montana Code § 49-2-304	<u>Reporting Violations:</u> File a complaint with the Montana Human Rights Bureau. http://erd.dli.mt.gov/human-rights <u>Private right of action authorized by statute?</u> Yes. Montana Code §§ 49-2-511, 49-2-512.
Nebraska	Nebraska Revised Statutes §§ 20-132, 20-134, 20-135	<u>Reporting Violations:</u> File a complaint with the Nebraska Equal Opportunity Commission. https://neoc.nebraska.gov/complaint/complaint.html <u>Private right of action authorized by statute?</u> Yes. Nebraska Revised Statutes § 20-148.



Nevada	Nevada Revised Statutes §§ 651.070, 651.080	<p><u>Reporting Violations:</u> File a complaint with the Nevada Equal Rights Commission. https://detr.nv.gov/Page/File_a_Charge_of_Discrimination</p> <p><u>Private right of action authorized by statute?</u> Yes. Nevada Revised Statutes §§ 651.090, 651.120</p>
New Hampshire	New Hampshire Revised Statutes §§ 354-A:17, 354-A:18	<p><u>Reporting Violations:</u> File a complaint with the New Hampshire Commission for Human Rights. https://www.nh.gov/hrc/howto.html</p> <p><u>Private right of action authorized by statute?</u> No.</p>
New Jersey	New Jersey Statutes § 10:5-12	<p><u>Reporting Violations:</u> File a complaint with the Division on Civil Rights of the New Jersey Office of the Attorney General. https://www.nj.gov/oag/dcr/filing.html</p> <p><u>Private right of action authorized by statute?</u> No.</p>
New Mexico	New Mexico Statutes §§ 28-1-7, 28-1-9	<p><u>Reporting Violations:</u> File a charge of discrimination with the New Mexico Human Rights Bureau. https://www.dws.state.nm.us/Filing-a-Charge-of-Discrimination</p> <p><u>Private right of action authorized by statute?</u> Yes. New Mexico Statutes § 28-1-10.</p>
New York	New York Civil Rights Law § 40-c; New York Executive Law § 296	<p><u>Reporting Violations:</u> File a complaint with the New York Division of Human Rights. https://dhr.ny.gov/complaint</p>



		Private right of action authorized by statute? Yes, following the exhaustion of administrative remedies. New York Executive Law § 297.
North Carolina	<p>No statewide public accommodation law for individuals based on race, color, or national origin.</p> <p>Check whether local public accommodation laws (e.g., municipal ordinances) exist for your specific locality.</p> <p><u>Examples of municipalities with public accommodation ordinances:</u> Charlotte (Charlotte Code of Ordinances, ch. 12, art. III, §§ 12-56 to 12-82). While North Carolina currently prohibits local governments from enacting or amending Noran ordinance regulating public accommodations, that statewide prohibition is currently set to expire on December 1, 2020. North Carolina Session Law 2017-4.</p>	<p><u>Reporting Violations:</u> File a complaint with the Civil Rights Division of the United States Department of Justice or, if a local public accommodation law exists, with the specified local agency.</p> <p>https://civilrights.justice.gov/#report-a-violation</p>
North Dakota	North Dakota Century Code §§ 14-02.4-14, 14.02.4-16	<u>Reporting Violations:</u> File a complaint with the North Dakota Department of Labor and Human Rights.



		https://www.nd.gov/labor/human-rights/public-accommodation <u>Private right of action authorized by statute?</u> Yes. North Dakota Century Code § 14-02.4-19.
Ohio	Ohio Revised Code § 4112.02	<u>Reporting Violations:</u> File a complaint with the Ohio Civil Rights Commission. https://crc.ohio.gov/FilingaCharge/ChargeFilingProcedure.aspx <u>Private right of action authorized by statute?</u> Yes. Ohio Revised Code § 4112.99.
Oklahoma	Oklahoma Statutes tit. 25, § 1402	<u>Reporting Violations:</u> File a complaint with the Office of Civil Rights Enforcement of the Oklahoma Attorney General. http://www.oag.ok.gov/civil-rights-enforcement-unit <u>Private right of action authorized by statute?</u> No.
Oregon	Oregon Revised Statutes §§ 659A.403, 659A.406, 659A.409	<u>Reporting Violations:</u> File a questionnaire with the Oregon Bureau of Labor and Industries. https://www.oregon.gov/boli/civil-rights/Pages/public-places-discrim-complaint.aspx <u>Private right of action authorized by statute?</u> Yes. Oregon Revised Statutes § 659A.885.
Pennsylvania	Pennsylvania Statutes tit. 43, § 955	<u>Reporting Violations:</u> File a complaint with the Pennsylvania Human Relations Commission. https://www.phrc.pa.gov/File-A-Complaint/Types-of-Complaints/Pages/DenialofServicesandFacilities.aspx



		Private right of action authorized by statute? Yes. Pennsylvania Statutes tit. 43, § 962.
Rhode Island	Rhode Island General Laws § 11-24-2	<p><u>Reporting Violations:</u> File a charge with the Rhode Island Commission for Human Rights. http://www.richr.ri.gov/filecharge/index.php</p> <p>Private right of action authorized by statute? Yes. Rhode Island General Laws §§ 11-24-4, 28-5-24.1.</p>
South Carolina	South Carolina Code §§ 45-9-10, 45-9-20, 45-9-30	<p><u>Reporting Violations:</u> File a complaint with the South Carolina Human Affairs Commission. https://schac.sc.gov/non-employment/how-file-public-accommodations-complaint</p> <p>Private right of action authorized by statute? Yes, following the exhaustion of administrative remedies. South Carolina Code §§ 45-9-100, 45-9-110.</p>
South Dakota	South Dakota Codified Laws §§ 20-13-23, 20-13-25, 20-13-26	<p><u>Reporting Violations:</u> File a complaint with the South Dakota Division of Human Rights. https://dlr.sd.gov/human_rights/investigations.aspx and https://www.state.sd.us/eforms/secure/eforms/E2162v1-CP_intake_form_non_employment.pdf</p> <p>Private right of action authorized by statute? Yes. South Dakota Codified Laws § 20-13-35.1.</p>



Tennessee	Tennessee Code §§ 4-21-501, 4-21-502, 4-21-503	<p><u>Reporting Violations:</u> File a complaint with the Tennessee Human Rights Commission.</p> <p>https://www.tn.gov/humanrights/file-a-discrimination-complaint.html</p> <p><u>Private right of action authorized by statute?</u> Yes. Tennessee Code § 4-21-311.</p>
Texas	<p>No statewide public accommodation law for individuals based on race, color, or national origin.</p> <p>Check whether local public accommodation laws (e.g., municipal ordinances) exist for your specific locality.</p> <p><u>Examples of municipalities with public accommodation ordinances:</u> Dallas (Dallas Code of Ordinances, ch. 31, art. I, § 31-3); San Antonio (San Antonio Code of Ordinances, ch. 2, art. X, §§ 2-592 to 2-595).</p>	<p><u>Reporting Violations:</u> File a complaint with the Civil Rights Division of the United States Department of Justice or, if a local public accommodation law exists, with the specified local agency.</p> <p>https://civilrights.justice.gov/#report-a-violation</p>
Utah	Utah Code § 13-7-3	<p><u>Reporting Violations:</u> File a complaint with the Utah Office of the Attorney General.</p> <p>https://attorneygeneral.utah.gov/contact/complaint-form/</p>



		Private right of action authorized by statute? Yes. Utah Code § 13-7-4.
Vermont	Vermont Statutes tit. 9, § 4502	<p><u>Reporting Violations:</u> File a complaint with the Vermont Human Rights Commission. https://hrc.vermont.gov/how-to-file</p> <p>Private right of action authorized by statute? Yes. Vermont Statutes tit. 9, § 4506.</p>
Virginia	Virginia Code § 2.2-3904	<p><u>Reporting Violations:</u> File a complaint with the Division of Human Rights of the Office of the Attorney General of Virginia. https://www.oag.state.va.us/programs-initiatives/human-rights</p> <p>Private right of action authorized by statute? Yes. Virginia Code §§ 2.2-3907, 2.2-3908.</p>
Washington	Washington Revised Code §§ 49.60.215, 49.60.220	<p><u>Reporting Violations:</u> File a complaint with the Washington Human Rights Commission. https://www.hum.wa.gov/file-complaint</p> <p>Private right of action authorized by statute? No.</p>
West Virginia	West Virginia Code § 5-11-9	<p><u>Reporting Violations:</u> File a complaint with the West Virginia Human Rights Commission. https://hrc.wv.gov/Pages/ComplaintProcess.aspx and https://hrc.wv.gov/Links/Documents/Public%20Accommodation%20Background%20Information%20Form.pdf</p> <p>Private right of action authorized by statute? Yes. West Virginia Code § 5-11-13.</p>



Wisconsin	Wisconsin Statutes § 106.52	<p><u>Reporting Violations:</u> File a complaint with the Equal Rights Division of the Wisconsin Department of Workforce Development. https://dwd.wisconsin.gov/er/civilrights/discrimination/publicaccommodation.htm and https://dwd.wisconsin.gov/dwd/forms/erd/erd_10241_e.htm</p> <p><u>Private right of action authorized by statute?</u> Yes. Wisconsin Statutes § 106.52.</p>
Wyoming	Wyoming Statutes § 6-9-101	<p><u>Reporting Violations:</u> There is no clear contact in Wyoming state government to report a violation of Wyoming's public accommodation statute. Consider contacting the Division of Criminal Investigation of the Wyoming Attorney General's Office. http://wyomingdci.wyo.gov/</p> <p><u>Private right of action authorized by statute?</u> No.</p>