

SENATE BILL NO. 327  
INTRODUCED BY D. LEWIS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FITNESS CENTER OR HEALTH CLUB TO OFFER ITS SERVICES EXCLUSIVELY TO MEMBERS OF ONE SEX; AND AMENDING SECTION 49-2-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 49-2-304, MCA, is amended to read:

**"49-2-304. Discrimination in public accommodations.** (1) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory practice for the owner, lessee, manager, agent, or employee of a public accommodation:

(a) to refuse, withhold from, or deny to a person any of its services, goods, facilities, advantages, or privileges because of sex, marital status, race, age, physical or mental disability, creed, religion, color, or national origin;

(b) to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement ~~which~~ that states or implies that any of the services, goods, facilities, advantages, or privileges of the public accommodation will be refused, withheld from, or denied to a person of a certain race, creed, religion, sex, marital status, age, physical or mental disability, color, or national origin.

(2) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory practice for a licensee under Title 16, chapter 4, to exclude from its membership or from its services, goods, facilities, advantages, privileges, or accommodations any individual on the grounds of race, color, religion, creed, sex, marital status, age, physical or mental disability, or national origin. This subsection does not apply to any lodge of a recognized national fraternal organization.

(3) ~~Nothing in this~~ This section prohibits ~~does not prohibit~~ public accommodations from giving or providing special benefits, incentives, discounts, or promotions for the benefit of individuals based on age.

(4) This section does not prohibit a fitness center or health club whose services or facilities are intended for the exclusive use of persons of the same sex from providing for the use of those services or facilities exclusively to persons of that sex or from denying the use of those services or facilities to persons of the opposite sex. A fitness center or health club described in this subsection may directly or indirectly publish, circulate, display, or mail written communications to the effect that the use of those services or facilities will be provided

exclusively to persons of the same sex and will be denied to persons of the opposite sex."

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