

SENATE BILL REPORT

SB 6441

AS OF FEBRUARY 1, 1994

Brief Description: Exempting advertising sales by advertising media from "any place of public resort, accommodation, assemblage, or amusement" definition regarding discrimination.

SPONSORS: Senator A. Smith

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Susan Mahoney (786-7717)

Hearing Dates: February 2, 1994

BACKGROUND:

Under current law, newspapers or other advertising media, when selling or publishing advertisements are not specifically excluded from the definition of "any place or public resort, accommodation, assemblage, or amusement" as set forth in the laws against discrimination. Newspapers have been cited with discrimination violations based on the newspaper's refusal to print certain classified advertisements.

There is concern that to include the news media in the definition of "place of public accommodation" would be unconstitutional under the First Amendment. The U.S. Supreme Court has specifically held that government lacks the power, due to the requirements of the First Amendment, to mandate a newspaper to accept any copy whether "news, commentary or advertising." Therefore, although the news media is open to scrutiny if it chooses to print a discriminatory advertisement, there is no constitutional ability to mandate what type of material the news media must choose to print.

SUMMARY:

The definition of "any place or public resort, accommodation, assemblage, or amusement" does not apply to any newspaper or other advertising media when selling or publishing advertisements.

Appropriation: none

Revenue: none

Fiscal Note: none requested