



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 23 [2003 Senate Bill 24]	Exception to Discrimination Law for Certain Fitness Centers
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 23 provides an exception to the law prohibiting discrimination in places of public accommodation to permit a fitness center whose facilities and services are intended for the exclusive use of persons of the same sex to provide the use of those facilities and services exclusively to persons of that sex.

BACKGROUND

Wisconsin law prohibits certain forms of discrimination in places of public accommodation or amusement. A place of public accommodation or amusement is interpreted broadly to include, but not be limited to, places of business or recreation; lodging establishments; restaurants; taverns; barber and cosmetologist establishments; nursing homes; clinics; hospitals; cemeteries; and any place where accommodation, amusement, goods, or services are available either free or for consideration.

Some of the types of discrimination which are prohibited under this law include denying full enjoyment of, or charging a different rate for the use of, a public accommodation because of a person's sex, race, color, creed, disability, sexual orientation, national origin, or ancestry; giving preferential treatment of some classes of persons in providing services in a public accommodation; and advertising that the use of a public accommodation will be denied to persons by reasons of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry.

There are some exceptions to the prohibition on discrimination in public accommodations. For example, the law does not prohibit separate treatment of persons based on sex with regard to public toilets, showers, saunas, and dressing rooms for persons of different sexes.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

2003 WISCONSIN ACT 23

2003 Wisconsin Act 23 creates a new exception to the prohibition on discrimination in places of public accommodation or amusement. Under the Act, the public accommodations law does not prohibit a fitness center whose services or facilities are intended for the exclusive use of persons of the same sex from providing the use of those services or facilities exclusively to persons of that sex, from denying the use of those services or facilities to persons of the opposite sex, or from directly or indirectly publishing, circulating, displaying, or mailing any written communication 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.

The Act defines “fitness center” as an establishment, whether operated for profit or not for profit, that provides as its primary purpose services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development. A “fitness center” does not include an organization solely offering training or facilities in an individual sport or a weight reduction center.

Effective Date: Act 23 was enacted on May 19, 2003 and took effect on June 3, 2003.

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