

MEMORANDUM 2026-36

2026 Legislative Program: Final Report

This memorandum summarizes the final status of the Commission's 2026 Legislative Program,¹ which includes bills related to the Commission's Biennial Resolution of Authority, Assembly Concurrent Resolution (ACR) 168 (Pacheco);² the Equal Rights Amendment Study,³ AB 2563 (Pacheco);⁴ and the Antitrust Study,⁵ AB 1776 (Aguiar-Curry).⁶

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¹ Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

² [2026 Cal. Stat. ch. 148](#) (ACR 168, Pacheco) EX 1.

³ [Equal Rights Amendment](#), Study I-100.

⁴ [2026 Cal. Stat. ch. 952](#) (AB 2563, Pacheco) EX 1.

⁵ [Antitrust Law](#), Study B-750.

⁶ [2026 Cal. Stat. ch. 826](#) (AB 1776, Aguiar-Curry) EX 111.

BIENNIAL RESOLUTION OF AUTHORITY

Commissioner and Assembly Member Pacheco introduced the Resolution of Authority as ACR [168](#).⁷ The staff is grateful to the Assembly Member for her assistance. ACR 168 passed the Senate and Assembly with no “no” votes and a bipartisan list of 70 coauthors.⁸ ACR 168 was adopted by the Senate on July 2, 2026 and chaptered on July 15, 2026.⁹

EQUAL RIGHTS AMENDMENT

At its meeting on September 18, 2025, the Commission approved a final recommendation on the Equal Rights Amendment ([Study I-100](#)).¹⁰ Commissioner and Assembly Member Pacheco carried legislation implementing this recommendation as AB [2563](#), which was signed into law on September 30, 2026.¹¹ The staff is grateful to the Assembly Member for her assistance.

The bill was enacted with amendments that the staff believes are technical and clarifying in nature and consistent with the Commission’s Recommendation.¹² The California Law Revision Commission’s *Handbook of Practices and Procedures* sets forth the process for conforming a Commission recommendation to enacted legislation:

- (a) The Commission may revise its recommendation to conform to an amendment made to a bill implementing a Commission recommendation. This may reflect Commission approval of the amendment or to avoid confusion in the historical record.
- (b) If the recommendation or report is in pre-print form, such revisions can be made in the recommendation or report itself.¹³

Staff recommends that the Recommendation be revised to include the amendments, with additional and revised comments as appropriate. The amendments and recommended

⁷ [2026 Cal. Stat. ch. 148](#) (ACR 168, Pacheco) EX 1.

⁸ Assembly Members Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Connolly, Davies, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Rivas, Celeste Rodriguez, Michelle Rodriguez, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, and Zbur are listed as coauthors.

⁹ [2026 Cal. Stat. ch. 148](#) (ACR 168, Pacheco).

¹⁰ [Minutes](#) (September 2025) p. 4; [Equal Rights Amendment](#) (Preprint – Sept. 2025).

¹¹ 2026 Cal. Stat. ch. 952 (AB 2563, Pacheco). In the [First Supplement](#) to Memorandum 2026-26, the staff notified the Commission that Assembly Member Pacheco planned to amend AB 2563 to integrate provisions of [AB 1940](#) into AB 2563 (Calderon), should both bills pass. The Assembly Member did so, however, the Governor [vetoed](#) AB 1940, so none of the conforming changes took effect.

¹² [Equal Rights Amendment](#) (Preprint – September 2025).

¹³ California Law Revision Commission, *Handbook of Practices and Procedures*, § [705 \(a\)-\(b\)](#).

revisions to the Commission Comments are summarized below and set forth in detail in Exhibit 70. The amendments include:

- Technical changes by the Office of Legislative Counsel, which, among other things, renumbered proposed Section 36.5 of the Commercial Code to Section 1207 for more appropriate placement.

The staff recommends that the proposed section and the accompanying comment be revised to reflect that technical change.

- An uncoded statement that the bill is declarative of existing law in response to concerns from the Trusts and Estates Section of the Los Angeles County Bar Association that the bill would change existing law, which appears as Section 1 of the bill:

The Legislature finds and declares that this bill is declarative of existing law and is not intended to expand or contract any existing rights or responsibilities.

The staff believes this amendment is technical and clarifying in nature and consistent with the Commission's recommendation because the language echoes the Commission's Comment, which states in part:

This section is derived from existing California constitutional protections, but not by way of limitation....The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act, the California Fair Employment and Housing Act, and California's laws on educational equity. [Citations omitted].¹⁴

The staff recommends that this section be accompanied by a Commission Comment that is drawn from Comments on other sections as follows:

Comment. This bill reflects California's commitment to the equality of rights under the law.

The language in this bill is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California's laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California's laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

¹⁴ [*Equal Rights Amendment*](#) (Preprint – Sept. 2025) pp. 53-54.

- An additional section in the Education Code clarifying the scope of “sex discrimination” in the Equity in Higher Education Act.¹⁵ These amendments were requested by the Assembly Higher Education Committee to make clear that the scope clarification applies to higher education.¹⁶ The staff recommends that this section be accompanied by a Commission Comment based on the comments on amendments to the other code sections as follows:

Comment. Section 66262.4 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Education Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

- Technical amendments recommended by the Civil Rights Department to each subdivision (a) clarifying the scope of “sex discrimination,” as follows:
 - (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.
 - (2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” the provisions of this section shall prevail over provisions with a narrower scope. sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.
 - (3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

The staff believes the amendments are technical and clarifying in nature and consistent with the Commission’s Recommendation because they merely restate the language describing the impact of this bill on other provisions that may not be as comprehensive. The staff believes that the Commission Comments do not need to be revised to reflect this

¹⁵ Ed. Code §§ [66250](#) – [66294](#); [2026 Cal. Stat. ch. 148](#) (ACR 168, Pacheco) as amended April 9, 2026, Sec. 9, adding § 66262.4 to the Ed. Code.

¹⁶ Memorandum [2026-17](#), p. 2. The staff notes that the original bill language also applied to higher education because it was placed in general provisions pertaining to the entire Ed. Code.

amendment.

- Technical amendments, including an amendment recommended by the Civil Rights Department to Civil Code Section 51(e)(6) to delete the redundant phrase “any actual or perceived” as follows:

(6) “Sex” includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, and any actual or perceived characteristic in paragraph (3) of subdivision (b) of Section 14.1(b)(3). characteristic in paragraph (3) of subdivision (b) of Section 14.1. “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The staff believes deleting “actual or perceived” is technical and clarifying because perception is already addressed by the following subsection, Section 51(e)(7)(B):

(7) “Sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status” includes any of the following:

(A) Any combination of those characteristics.

(B) **A perception** that the person has any particular characteristic or characteristics within the listed categories or any combination of those characteristics.

(C) A perception that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics, or any combination of characteristics, within the listed categories. (Emphasis added).

The staff believes there is no need to revise the Commission Comment for this section.

The staff recommends that the Commission accept the amendments as compatible with its Recommendation. The staff further recommends that the Commission approve the staff making conforming changes to the Final Recommendation, including any necessary revisions to the Commission Comments.¹⁷

Does the Commission approve the staff recommendation?

ANTITRUST LAW: SINGLE FIRM CONDUCT

At its meeting on January 30, 2026, the Commission approved a Staff Draft Final Recommendation with amendments on Antitrust Law: Single Firm Conduct ([Study B-](#)

¹⁷ California Law Revision Commission, [Handbook of Practices and Procedures](#) §§ 555, 560, 705; [First Supplement](#) to Memorandum 2026-12, p. 1 describes the amendment process for a Commission bill.

[750](#)), which was published as the Final Recommendation in March 2026.¹⁸ Assembly Majority Leader Aguiar-Curry carried the Recommendation as AB [1776](#), which was signed into law on September 30, 2026.¹⁹ The staff is grateful to the Assembly Member for her assistance and notes that the Attorney General, Rob Bonta, supported AB 1776's signing.²⁰

AB 1776 was amended several times as noted in prior memoranda,²¹ and again in the final months of the legislative process.

Below are all of the amendments made by the chaptered bill to the Recommendation,²² and a mock-up of the Commission's Recommendation as amended by AB 1776 is attached as an exhibit.²³ This memorandum provides an initial analysis on the amendments, to be followed by further analysis on the new language that presents issues that were not previously considered by the Commission. The staff will present this information at the next Commission meeting so that the Commission may consider whether to revise the Recommendation to conform to all or portions of the chaptered bill, including any proposed revisions or additions to Commission comments.²⁴

AB 1776 Amendments

Proposed Section 16730: Purpose Statement

Proposed Section 16730(a) was amended as follows:

(a) The purpose of ~~this section and Sections 16731, 16732, and 16733 is the promotion and protection of free and fair competition, which is fundamental to a healthy marketplace that protects all trade participants, including workers and consumers, and to an environment that is conducive to the preservation of our democratic, political, and social institutions.~~ the Cartwright Act is discussed by the California Supreme Court in *Clayworth v. Pfizer, Inc.* (2010) 49 Cal.4th 758, 783 and in *In re Cipro Cases I & II* (2015) 61 Cal.4th 116, 136.

This amendment replaces the first subsection of the Recommendation's original

¹⁸ [Minutes](#) (Jan. 2026) pp. 4-5. [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026).

¹⁹ [2026 Cal. Stat. ch. 826](#) (AB 1776, Aguiar-Curry) EX 111; principal coauthors are Assembly Member Mark González and Senators Hurtado and Wahab; coauthors are Assembly Members Bains, Bonta, Connolly, Elhawary, Lee, Ortega, Rogers, and Schiavo, and Senators Cortese, Padilla, and Reyes.

Governor Gavin Newsom, [letter to the Members of the California State Assembly](#), Sept. 30, 2026 (stating he signs the bill “with the expectation [it will be] appl[ied] in ways that penalize clear wrongdoing, without creating needless uncertainty that risks harming legitimate businesses.”).

²⁰ Dept. of J., [Press Release, Attorney General Bonta Celebrates Signing of Compete Act into Law](#) (Sept. 30, 2026); Letter of support for AB 1776 (Aguiar-Curry) EX 109.

²¹ Memorandum [2026-17](#), pp. 3-4 and the [First Supplement](#) thereto; Memorandum [2026-26](#), pp. 2-10 and the [First Supplement](#) thereto, p. 2.

²² [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026).

²³ EX 111.

²⁴ California Law Revision Commission, *Handbook of Practices and Procedures*, [§ 705 \(a\)-\(b\)](#).

purpose statement with case citations from the Commission’s Comment and applies the purpose statement to the entire Cartwright Act,²⁵ California’s primary antitrust law, rather than just AB 1776.

The Commission Comment to proposed Section 16730(a) cites *Clayworth v. Pfizer*²⁶ as “express[ing] the fundamental goal of California’s antitrust law, which is the promotion and protection of free and fair competition,” and *In re Cipro Cases I & II*²⁷ describes the Cartwright Act as premised on the idea that “the unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress, while at the same time providing an environment conducive to the preservation of our democratic political and social institutions.”²⁸

The staff believes this amendment is consistent with the Recommendation because the Recommendation was intended to amend the Cartwright Act, and *Clayworth* and *In re Cipro I & II* apply generally to the Cartwright Act.

The Commission previously explored this aspect of the purpose statement in Memorandum [2025-52](#).²⁹

Proposed Section 16730(c) was amended as follows:

(c) The California Supreme Court has determined that the Cartwright Act is “broader in range and deeper in reach” than the federal Sherman Anti-Trust Act (*Cianci v. Superior Court* (1985) 40 Cal.3d 903, 920). The California Supreme Court has found the Cartwright Act is not modeled on the federal Sherman Anti-Trust Act and therefore interpretations of federal antitrust law are not conclusive (*Aryeh v. Canon Business Solutions, Inc.* (2013) 55 Cal.4th 1185, 1195). Further, California courts have recognized that the Cartwright Act departs from the Sherman Anti-Trust Act in many respects, including, but not limited to, inclusion of indirect purchaser-recovery, (Section 16750); use of a proximate cause test for Cartwright Act-standing, and antitrust injury (*Cellular Plus, Inc. v. Superior Court* (1993) 14 Cal. App. 4th 1224, 1232); recognition of broader harms and per se conduct, (Sections 16720 to 16729, inclusive); lower actionable market shares, (Fisherman Wharf Bay Cruise v. Superior Ct. (2003) 114 Cal. App. 4th 309, 326); structured rule of reason-analysis, (In re Cipro Cases I & II (2015) 61 Cal.4th 116, 147); and differing burdens of proof.

These amendments add case citations verifying that the Cartwright Act departs from federal law in certain respects. All but one of the citations are drawn from the Commission

²⁵ Bus. & Prof. Code §§ [16700-16770](#).

²⁶ (2010) 49 Cal.4th 758, 783; [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026) p. 23.

²⁷ (2015) 61 Cal.4th 116.

²⁸ *Id* at 136.

²⁹ Memorandum [2025-52](#), pp. 3-4; [Minutes](#) (December 2025) p. 5.

Comment for 16730(c);³⁰ the amendment cites *Cellular Plus, Inc. v. Superior Court* rather than *Kolling v. Dow Jones & Co.*³¹ However, both cases support the assertion that the Cartwright Act differs from the Sherman Act in its treatment of standing and antitrust injury, and *Cellular* cites *Kolling* in its decision.³² The staff believes these amendments are consistent with the Recommendation.³³

Proposed Section 16730(d) was amended as follows:

~~(d) Federal case law on the subject of this article is not binding on California state courts, but courts may consider federal case law as persuasive authority to the extent they find it consistent with California law, including this section.~~

(d) Interpretations of federal antitrust laws are at most instructive when construing California's antitrust laws, as they are not modeled on federal antitrust statutes (*Aryeh v. Canon Business Sols., Inc.* (2013) 55 Cal.4th 1185, 1195).

These amendments nonsubstantively restate the subdivision for clarity and draw directly from the California Supreme Court case cited.³⁴ The staff believes this amendment is consistent with the Recommendation.³⁵

Proposed Section 16730(e) was deleted:

~~(e) California agrees with the United States Department of Justice and the Federal Trade Commission in recognizing that unilateral action and multiparty actions, horizontal and vertical relationships, and various forms of corporate entities can interfere with free and fair competition, as reflected in the Federal Trade Commission and Department of Justice 2023 Merger Guidelines.~~

The staff understands this amendment was made because the bill does not relate to mergers and the language refers to the Federal Trade Commission and Department of Justice 2023 Merger Guidelines. Because the language refers to merger guidelines, the staff believes this is a reasonable amendment that does not diminish the goal of proposed Section 16730.

New Section 16730(e) was added as follows:

(e) The Legislature affirms that, as referenced in *In re Cipro Cases I & II* (2015)

³⁰ [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026) pp. 23-24.

³¹ *Kolling v. Dow Jones & Co.* (1982) 137 Cal.App.3d 709, 723.

³² *Cellular Plus, Inc. v. Superior Court* (1993) 14 Cal.App.4th 1224, 1232.

³³ [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026) pp. 23-24.

³⁴ *Aryeh v. Canon Business Sols., Inc.* (2013) 55 Cal.4th 1185, 1195 (“Interpretations of federal antitrust law are at most instructive, not conclusive, when construing the Cartwright Act, given that the Cartwright Act was modeled not on federal antitrust statutes but instead on statutes enacted by California's sister states around the turn of the 20th century.”).

³⁵ [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026) p. 23.

61 Cal. 4th 116, 148, a business may lawfully obtain and maintain market power or monopoly power through the superiority of its products, services, or business acumen.

This amendment was made in response to a request made by the Chair of the Senate Judiciary Committee, as reflected in the committee’s analysis:

Add language to expressly affirm that a business may lawfully obtain and maintain market power or monopoly power through the superiority of its products, services, or business acumen.³⁶

New Section 16730(e) draws directly from *In re Cipro Cases I & II*, which states “[u]nder general antitrust principles, a business may permissibly develop monopoly power, i.e., ‘the power to control prices or exclude competition’ through the superiority of its product or business acumen.”³⁷ The staff believes this amendment is consistent with the Recommendation because the Commission cited *In re Cipro Cases I & II* as support for proposed Section 16730(a) and (c).³⁸

Proposed Section 16731: Single Firm Conduct

Proposed Section 16731(a) was amended as follows:

(a) It is unlawful for ~~one or more persons to act, cause, take, or direct measures, actions, or events that are either of the following:-~~

(1) ~~In restraint of trade. As used in this paragraph, “restraint of trade” includes, but is not limited to, any actions, measures, or acts included or cognizable under Section 16720, whether directed, caused, or performed by one or more persons. every person to~~ (2) ~~To~~ monopolize or monopsonize, ~~to~~ attempt to monopolize or monopsonize, ~~to~~ maintain a monopoly or monopsony, or ~~to~~ combine or conspire with another person to monopolize or monopsonize in any part of trade or commerce.

These amendments were made at the request of the Chair of the Senate Judiciary Committee and reference amendments made to the AB 1776 after the version reflected in the Recommendation.³⁹ The revisions more closely align the language to Section 2 of the federal Sherman Act, which does not use the term “restraint of trade.”⁴⁰ The California Chamber of Commerce raised concerns, reflected in the committee’s analysis, that

³⁶ [Senate Judiciary Committee Analysis](#) of AB 1776 (June 30, 2026) p. 16.

³⁷ 61 Cal.4th at 148.

³⁸ [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026) pp. 23-24.

³⁹ At the June 30, 2026, Senate Judiciary Committee hearing, the author agreed to make several amendments in concept. The analysis stated, “Delete, from Section 2 of the bill, the ‘unreasonable restraint of trade’ prohibition and the reference to ‘one or more persons’ in subdivision (a).” [Senate Judiciary Committee Analysis](#) of AB 1776 (June 30, 2026) pp. 16-17.

⁴⁰ [15 U.S.C. § 2.](#)

departing from the language in the Sherman Act could lead to uncertainty.⁴¹ Because the Commission looked to Section 2 of the Sherman Act when drafting proposed Section 16731(a), the staff believes the amendments are consistent with the Recommendation and are intended to achieve the same purpose.

Proposed Section 16731(b) was amended as follows:

~~(b) Anticompetitive effects and procompetitive justifications of the challenged conduct shall be evaluated within the same relevant market. Courts adjudicating a claim brought under this section shall use the analytical framework and guidance of the California Supreme Court in the manner described in *In re Cipro Cases I & II* (2015) 61 Cal.4th 116, 146–147.~~

The Senate Floor Analysis of AB 1776 states that the amendment deleting the language was made to “remove language relating to the court’s analysis of procompetitive and anticompetitive justifications, which was duplicative of existing case law (*see, e.g., Flagship Theatres of Palm Desert, LLC v. Century Theatres, Inc.* (2020) 55 Cal.App.5th 381, 400)...”⁴² The staff agrees that the cited cases establish that principle and removing the language does not change existing law.⁴³ Thus, the staff believes this amendment is consistent with the Recommendation.

The staff understands the new language was added to provide explicit direction for courts to use the “structured rule of reason” analysis as discussed in *In re Cipro Cases I & II* when evaluating whether a person has monopolized or monopsonized.⁴⁴ The staff believes this amendment is consistent with the Recommendation because the structured rule of reason analysis in *In re Cipro Cases I & II* is recognized in enacted section 16730(c) to distinguish California law from federal and also in the Commission Comment for that purpose.⁴⁵

New Section 16731(c) was added as follows:

(c) A plaintiff bringing an action pursuant to this section shall be required to allege and, to prevail at trial, prove substantial market power, either through direct or indirect evidence.

This amendment is a corollary of proposed Section 16732(j) which stated that “a

⁴¹ [Senate Judiciary Committee Analysis](#) of AB 1776 (June 30, 2026) pp. 18-19; see also [Assembly Committee on Judiciary Analysis](#) of AB 1776 (April 7, 2026) p. 12.

⁴² [Senate Floor Analysis](#) (August 28, 2026) p. 5.

⁴³ *Flagship Theatres of Palm Desert, LLC v. Century Theatres, Inc.* (2020) 55 Cal.App.5th 381, 400 (“The rule of reason weighs the anticompetitive effects of the conduct in the relevant market against its procompetitive effects, and determines whether, on balance, the practice harms competition” (citations omitted).

⁴⁴ (2015) 61 Cal.4th 116, 147.

⁴⁵ [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026) pp. 23-24.

definition of ‘relevant market’ [is not needed] where there is direct evidence of market power.”⁴⁶ This is declarative of existing law and echoes the Commission Comment for that section.⁴⁷ Since the purpose of defining a market and market share is to determine whether an arrangement has the *potential* for genuine adverse effects on competition, proof of *actual* detrimental effects can obviate the need for that inquiry.⁴⁸

This amendment is also responsive to a request from the Chair of the Senate Judiciary Committee, as reflected in the committee’s analysis:

Clarify, in Section 2 of the bill, that a plaintiff must allege, and prove, that the defendant has substantial market power.⁴⁹

The staff believes this amendment is consistent with the Recommendation.

New Section 16731(d) was added as follows:

(d) Section 16731 shall not apply to any small business, meaning an independently owned and operated business, the principal office of which is located in California, the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees and average annual gross receipts of ten million dollars (\$10,000,000) or less over the three years before the filing of the complaint.

This amendment creates an explicit exemption for small businesses, based on a definition from the Small Business Procurement and Contract Act.⁵⁰

While the Commission declined to create a separate antitrust structure for large firms,⁵¹ it did not specifically address exempting small businesses likely for the reasons addressed by this amendment. The staff notes that this new subdivision is within the spirit of the Recommendation to the extent that small businesses generally do not have sufficient market power to cause the unreasonable restraint of trade targeted by this bill. Current law requires proof of anticompetitive effects on the market,⁵² and this amendment establishes objective metrics to exempt businesses whose conduct is unlikely to cause anticompetitive effects.

New Section 16731(e) was added as follows:

⁴⁶ Proposed Section 16732 was deleted from the bill. [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026) p. 25.

⁴⁷ *In re Cipro Cases I & II* (2015) 61 Cal.4th 116, 162; see also [Antitrust Law: Single Firm Conduct](#) (Preprint – March 2026) pp. 11-12; 23-24.

⁴⁸ *Id.*

⁴⁹ [Senate Judiciary Committee Analysis](#) of AB 1776 (June 30, 2026) p. 17.

⁵⁰ Gov. Code § [14837\(d\)\(1\)\(A\)](#).

⁵¹ [Minutes](#) (September 2025) p. 8.

⁵² *Exxon Corp. v. Superior Court* (1997) 51 Cal.App.4th 1672, 1674 (“the plaintiff must prove that the restraint had an anticompetitive effect in the relevant market in order to prevail.”).

- (e) (1) This section does not prevent, limit, or prohibit:
- (A) Any exclusive franchise, contract, license, or permit that is granted and supervised by a local, state, or federal governmental agency.
- (B) Conduct required or authorized pursuant to state or federal law that is granted and supervised by a local, state, or federal governmental agency.
- (2) This section does not impose any liability on a person or entity for conduct within the scope of authority granted by one or more such exclusive franchises, contracts, licenses, or permits.
- (3) For purposes of this subdivision, “local governmental agency” includes a city, county, special district, sanitation district, or joint powers agency.

This section was added in response to concerns raised by entities having exclusive franchises, contracts, licenses, or permits with state or local government to provide certain services needed by the entities, such as waste hauling. Subdivision (e) appears to codify the “state action immunity” doctrine that exists under federal antitrust law⁵³ to ensure it extends to AB 1776.

An article in the California Lawyers Association Competition Journal describes the state action immunity doctrine as follows:

In 1943, the U.S. Supreme Court held in *Parker v. Brown* that the federal antitrust laws do not apply to certain state conduct. This decision developed into what is now referred to as “state-action immunity,” even though it is more aptly described as an exemption. The *Parker* Court upheld the obviously-anticompetitive California Agricultural Act, which the Supreme Court later characterized as a “state-supervised” market-sharing scheme. Importantly, the decision was grounded in statutory interpretation, but the doctrine has evolved such that federalism and state-sovereignty rationales control the doctrine’s scope and development. Like all antitrust exemptions, the state-action-immunity exemption is disfavored, and only recognized “when it is clear that the challenged anticompetitive conduct is undertaken pursuant to a regulatory scheme that ‘is the State’s own.’”

To determine whether to apply immunity in a traditional case, the Supreme Court adheres to a form of the test developed in *California Retail Liquor Dealers Association v. Midcal Aluminum, Inc.* First, the party seeking exemption must prove that the challenged restraint is “clearly articulated and affirmatively expressed as state policy,” and second, the policy must be “actively supervised” by the State itself. Certain parties, like municipalities, need not prove “active supervision.” (Citations omitted.)⁵⁴

⁵³ See *Parker v. Brown* (1943) 317 U.S. 341, 351; *South Carolina State Bd. of Dentistry v. Federal Trade Com.* (4th Cir. 2006) 455 F.3d 436, 444-46); see also 98 Ops.Cal.Atty.Gen. 12 (2015); Martin, *State Action Antitrust Immunity for Municipally Supervised Parties* (2005) 72 U. Chi. L.Rev. 1079, 1082.

⁵⁴ Bona and Wake, [The Market Participant Exception to State-Action Immunity from Antitrust Liability](#) (Spring 2014) 23 Competition 156.

While the Commission received a public comment⁵⁵ relating to exclusive contracts with local government, the Commission did not pursue language relating to exclusive contracts with government. The staff does not believe this language conflicts with the Recommendation.

New Section 16731(f) was added as follows:

(f) (1) An action pursuant to this section may be initiated only by the Attorney General or a district attorney.

(2) Except in an action brought by the Attorney General or a district attorney pursuant to this section, an alleged violation of this section shall not serve as a predicate violation under Chapter 5 (commencing with Section 17200).

(3) This subdivision does not apply to, create or extinguish a defense to, or limit the scope of, an action that is not brought pursuant to this section.

New subdivision (f)(1) was added in the Senate Appropriations Committee⁵⁶ and was further amended on the Senate Floor to include (f)(2) and (3).⁵⁷ Subdivision (f)(1) is responsive to concerns raised by the Chair of the Senate Judiciary Committee about creating a new private right of action in California law.⁵⁸ The staff understands that paragraph (2) is intended to clarify that a private party may not circumvent paragraph (1) by using a violation of Section 16731 to file an unfair competition claim.⁵⁹ Paragraph (3) limits the subdivision's impact to actions brought under Section 16731.

Assembly Member Aguiar-Curry submitted a letter to the Assembly Daily Journal that in part clarifies the intent of this section:

When Business & Professions Code section 16731(f) references “this section” four different times, “this section” means the section it is in, Section 16731. Business & Professions Code section 16731(f)(3) in part also provides: “This subdivision does not apply to . . . or limit the scope of, an action that is not brought

⁵⁵ Memorandum [2025-52](#), EX 4-9.

⁵⁶ [AB 1776](#), as amended August 13, 2026.

⁵⁷ [AB 1776](#), as amended August 27, 2026.

⁵⁸ This Amendment was later made in the Senate Appropriations Committee. [2026 Cal. Stat. ch. 826](#) (AB 1776, Aguiar-Curry) as amended August 13, 2026, Sec. 2.

The Chair of this Committee has grave concerns that this bill, as currently in print, could lead to a proliferation of frivolous litigation and disruption of the markets. The Chair of this Committee, therefore, is requesting that the author commit to make the following amendments to the bill while it is in the Senate Appropriations Committee. . . . Eliminate the availability of a private right of action for the new monopolization created by this bill, so that only the Attorney General and other public prosecutors who can bring claims under the Cartwright Act can bring a monopolization claim under this bill.

[Senate Judiciary Committee Analysis](#) of AB 1776 (June 30, 2026) pp. 16-17.

⁵⁹ [Senate Floor Analysis](#) (August 27, 2026), p. 5 (The amendments “provide guidance for how the bill’s new section within the Cartwright Act should interact with existing Cartwright Act provisions and other state laws.”).

pursuant to this section.” Thus, the provisions of subdivision (f) do not apply to any cause of action that does not allege a violation of section 16731. The inclusion of subdivision (f) is not intended to nor shall be interpreted to bar, modify, or limit any rights of action that exist under existing law at the time of codification, regardless of whether the underlying conduct also constitutes a violation of section 16731.⁶⁰

The Commission did not consider limiting enforcement to the Attorney General and district attorneys. While the amendment preserves single firm conduct enforcement, it is different than the Recommendation in that it eliminates private rights of action.

New Section 16731(g) was added as follows:

(g) Sections 16756, 16756.1, and 16757 do not apply to claims brought under this section unless the claims allege that a person combined or conspired with another person to monopolize or monopsonize any part of trade or commerce.

The staff understands that this amendment is intended to ensure that Sections 16756,⁶¹ 16756.1,⁶² and 16757,⁶³ which govern Cartwright Act claims about combinations and trusts, are not applied to the new SFC law.

New Section 16731(h) was added as follows:

(h) Pursuant to Section 70616 of the Government Code, any action under this section shall be filed as a complex case.

The staff understands that the amendment was made at the request of the California Chamber of Commerce to attempt to secure a more sophisticated hearing officer for SFC

⁶⁰ [Assem. Daily J.](#) (August 31, 2026) p. 7012.

⁶¹ Bus. & Prof. Code § [16756](#) provides:

In any indictment, information or complaint for any offense named in this chapter, it is sufficient to state the purpose or effects of the trust or combination, and that the accused is a member of, acted with, or in pursuance of it, or aided or assisted in carrying out its purposes, without giving its name or description, or how, when and where it was created.

⁶² Bus. & Prof. Code § [16756.1](#) provides:

Notwithstanding any other law, in a complaint for any violation of this chapter, it is sufficient to contain factual allegations demonstrating that the existence of a contract, combination in the form of a trust, or conspiracy to restrain trade or commerce is plausible, and the complaint shall not be required to allege facts tending to exclude the possibility of independent action.

⁶³ Bus. & Prof. Code § [16757](#) provides:

(a) In prosecutions under this chapter, it is sufficient to prove that a trust or combination exists, and that the defendant belonged to it, or acted for or in connection with it, without proving all the members belonging to it, or proving or producing any article of agreement, or any written instrument on which it may have been based, or that it was evidenced by any written instrument at all.

(b) The character of the trust or combination alleged may be established by proof of its general reputation as such.

cases. California Rule of Court rule [3.400](#)(a) defines a complex case as “an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.” Subdivision (c) provisionally designates certain claims as complex, including antitrust claims. While a plaintiff may designate an action as complex,⁶⁴ however, the court retains authority to decide whether to designate the action as complex.⁶⁵

The Commission did not explore requiring plaintiffs to file claims as complex, however, since the Rules of Court already provisionally designate antitrust claims as complex. This provision appears reasonable and consistent with the Recommendation.

Proposed Section 16732: Judicial Guidance

Proposed Section 16732 was deleted.

~~16732. Any of the following may constitute evidence of a violation of Section 16731, but establishing liability shall not require a finding, including, but not limited to, of any of the following:~~

~~(a) The unilateral conduct of the defendant altered or terminated a prior course of dealing between the defendant and a person subject to the exclusionary conduct.~~

~~(b) The defendant treated persons subject to the exclusionary conduct differently than the defendant treated other persons.~~

~~(c) The defendant's price for a product or service was below any measure of the costs to the defendant for providing the product or service required under federal antitrust law.~~

~~(d) The defendant's conduct makes no economic sense apart from its tendency to harm competition.~~

~~(e) The conduct's risk of harming competition or actual harm must be proven with quantitative evidence.~~

~~(f) In a case where a defendant's business is a multisided platform, the defendant's conduct presents harm to competition on more than one side of the multisided platform, or the harm to competition on one side of the multisided platform outweighs any benefits to competition on any other side of the multisided platform.~~

~~(g) In a claim of predatory pricing, the defendant is likely to recoup the losses it sustains from below-cost pricing of the products or services at issue.~~

~~(h) The rival whose ability to compete has been reduced or harmed is as efficient, or nearly as efficient, as the defendant.~~

~~(i) A single firm or person has or might achieve a market share or has market power at or above a threshold recognized under Section 2 of Title 15 of the United States Code.~~

⁶⁴ Cal. Rules of Court, rule [3.401](#).

⁶⁵ Cal. Rules of Court, rule [3.403](#); see also rule [3.400\(d\)](#).

~~(i) A definition of “relevant market” where there is direct evidence of market power.~~

This amendment appears to be made in response to comments in the Assembly Committee on Judiciary analysis, which stated:

While any guidance to the courts on a complex area of law is advisable, the author may wish to consider amending proposed Section 16732 to provide a more affirmative set of factors that a court should consider when evaluating a case rather than a set of factors the court may but need not rely upon, especially when considering that the Law Revision Commission looked askance at many of the cases that developed those factors in its public report.⁶⁶

The Commission did look skeptically at the cases at issue, which is why the Commission listed the problematic aspects of their respective decisions. However, the staff anecdotally heard that the list was confusing to those unfamiliar with antitrust law and there were concerns raised that the language could be misinterpreted.

Proposed Section 16733: Interpretation of California Law

Proposed Section 16733 was renumbered as Section 16732.

This is a technical change that would merely require the Recommendation be revised to reflect the number and is does not conflict with the Recommendation.

Does the Commission have any questions?

Respectfully submitted,

Sharon Reilly
Executive Director

⁶⁶ [Assembly Committee on Judiciary Analysis](#) of AB 1776 (April 3, 2026) pp. 10-11.

Assembly Concurrent Resolution No. 168

RESOLUTION CHAPTER 148

Assembly Concurrent Resolution No. 168—Relative to the California Law Revision Commission.

[Filed with Secretary of State July 15, 2026.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 168, Pacheco. California Law Revision Commission: studies.

Existing law requires the California Law Revision Commission to study, and limits the commission to studying, topics approved by resolution of the Legislature or by statute.

This measure would grant approval to the commission to continue its study of designated topics that the Legislature previously authorized or directed the commission to study and two new topics of study, as specified.

The measure would require the commission, before commencing work on any project within its authorized calendar of topics, to submit a detailed description of the scope of work to the Chairs and Vice Chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary, and any other policy committee that has jurisdiction, as specified. If a major change to the scope of work occurs during the course of the project, the measure would require the commission to submit a description of the change.

WHEREAS, The California Law Revision Commission is authorized to study topics set forth in the calendar contained in its report to the Governor and the Legislature that have been or are thereafter approved for study by concurrent resolution of the Legislature, and topics that have been referred to the commission for study by concurrent resolution of the Legislature or by statute; and

WHEREAS, The commission, in its annual report covering its activities for 2025 and 2026, recommends continued study of 14 topics, all of which the Legislature has previously authorized or directed the commission to study, and the addition of two new topics of study; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the Legislature approves for continued study by the California Law Revision Commission the topics listed below:

(1) Whether the law should be revised that relates to creditors' remedies, including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code provisions on repossession of property), confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption,

procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, insolvency, and related matters.

(2) Whether the Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code, and related matters.

(3) Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on land use or relating to land, common interest developments, powers of termination, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant on assignment, subletting, termination, or abandonment of a lease, and related matters.

(4) Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption, guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code.

(5) Whether the law relating to discovery in civil cases should be revised.

(6) Whether the Evidence Code should be revised.

(7) Whether the law relating to arbitration, mediation, and other alternative dispute resolution techniques should be revised.

(8) Whether there should be changes to administrative law.

(9) Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification.

(10) Whether the law of contracts should be revised, including the law relating to the effect of electronic communications on the law governing contract formation, the statute of frauds, the parol evidence rule, and related matters.

(11) Whether the law governing the place of trial in a civil case should be revised.

(12) Whether the Fish and Game Code and related statutory law should be revised to improve its organization, clarify its meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements, without making any significant substantive change to the effect of the law.

(13) The Legislature authorizes and requests that the California Law Revision Commission study, report on, and prepare recommended legislation to revise Chapter 6.5 (commencing with Section 25100) and Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, and related provisions, to improve the organization and expression of the law. Such revisions may include, but are not limited to, grouping similar provisions together, reducing the length and complexity of sections, eliminating obsolete or redundant provisions, and correcting technical errors. The recommended revisions shall not make any substantive changes to the law. The commission's report shall also include a list of substantive issues

that the commission identifies in the course of its work, for possible future study.

(14) Whether the law should be revised to provide special rules that would apply to an area affected by a state of disaster or emergency declared by the federal government, a state of emergency proclaimed by the Governor under Section 8625 of the Government Code, or a local emergency proclaimed by a local governing body or official under Section 8630 of the Government Code. Before beginning a study under this authority, the commission shall provide notice to legislative leadership and any legislative policy committee with jurisdiction over the proposed study topic and shall consider any formal or informal feedback received in response to the notice; and be it further

(15) Whether the Education Code should be revised including, but not limited to, provisions relating to reporting requirements placed on local education agencies.

(16) Whether the Code of Civil Procedure should be revised, including, but not limited to, whether the statutes governing writ procedures should be revised; and be it further

Resolved, That before commencing work on any project within the calendar of topics the Legislature has authorized or directed the commission to study, the commission shall submit a detailed description of the scope of work to the chairs and vice chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary, and any other policy committee that has jurisdiction over the subject matter of the study, and if during the course of the project there is a major change to the scope of work, submit a description of the change; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Law Revision Commission and to the author for appropriate distribution.

Assembly Bill No. 2563

CHAPTER 952

An act to add Section 14.3 to the Business and Professions Code, to amend Section 51 of, and to add Section 14.1 to, the Civil Code, to add Section 17.5 to the Code of Civil Procedure, to add Section 1207 to the Commercial Code, to add Section 12.4 to the Corporations Code, to add Sections 212.4 and 66262.4 to the Education Code, to add Section 353.7 to the Elections Code, to add Section 212 to the Evidence Code, to add Section 136 to the Family Code, to add Section 23 to the Financial Code, to add Section 9.4 to the Fish and Game Code, to add Section 52 to the Food and Agricultural Code, to amend Section 12926 of, and to add Section 27 to, the Government Code, to add Section 26 to the Harbors and Navigation Code, to add Section 29 to the Health and Safety Code, to add Section 49 to the Insurance Code, to add Section 12.3 to the Labor Code, to add Section 20 to the Military and Veterans Code, to add Section 5.5 to the Penal Code, to add Section 71 to the Probate Code, to add Section 1105 to the Public Contract Code, to add Section 19 to the Public Resources Code, to add Section 23 to the Public Utilities Code, to add Section 12.3 to the Revenue and Taxation Code, to add Section 37 to the Streets and Highways Code, to add Section 23 to the Unemployment Insurance Code, to add Section 552 to the Vehicle Code, to add Section 27 to the Water Code, and to add Section 28 to the Welfare and Institutions Code, relating to sex discrimination.

[Approved by Governor September 30, 2026. Filed with
Secretary of State September 30, 2026.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2563, Pacheco. Sex discrimination: scope.

(1) The United States and California Constitutions guarantee all persons the right to equal protection of the laws. The California Constitution further recognizes the right of all persons to pursue and obtain safety, happiness, and privacy, guarantees an individual's reproductive freedom in their most intimate decisions, and prohibits disqualification of a person from entering or pursuing a business, profession, vocation, or employment because of, among other things, sex.

This bill would require, under all state laws, that any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination be interpreted to prohibit sex discrimination. The bill would define "sex discrimination" to include, among other things, discrimination based on any of specified actual or perceived characteristics or actions, including based on degree of conformity to sex or gender stereotypes.

This bill would provide that this interpretation reflects the existing protections of specified state constitutional laws, as described above. The bill would require these provisions to be liberally construed to effectuate the purposes of these constitutional protections. The bill would make related findings and declarations.

(2) Existing law, the Unruh Civil Rights Act (act), provides that all persons within the jurisdiction of this state are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments regardless of their sex, race, color, religion, ancestry, national origin, disability status, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. That act defines “sex” to include, among other things, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.

This bill would further define, for purposes of the act, “sex” to include any characteristics set forth under the above-described definition of “sex discrimination.”

(3) Existing law, the California Fair Employment and Housing Act (FEHA), makes certain discriminatory employment and housing practices unlawful, and authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the Civil Rights Department. The FEHA defines various terms in connection with unlawful practices, including the term “sex.”

This bill would further define “sex” to include any characteristics set forth under the above-described definition of “sex discrimination.”

(4) This bill would incorporate additional changes to Section 51 of the Civil Code proposed by AB 1940 to be operative only if this bill and AB 1940 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 12926 of the Government Code proposed by AB 1940 to be operative only if this bill and AB 1940 are enacted and this bill is enacted last.

(5) This bill would include certain provisions that become operative only if AB 1940 is enacted and takes effect on or before January 1, 2027, and amends Section 12926 of the Government Code. In that regard, the bill would expand the above-described definition of “sex discrimination” to include discrimination based on actual or perceived perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that this bill is declarative of existing law and is not intended to expand or contract any existing rights or responsibilities.

SEC. 2. Section 14.3 is added to the Business and Professions Code, to read:

14.3. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 2.5. Section 14.3 is added to the Business and Professions Code, to read:

14.3. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 3. Section 14.1 is added to the Civil Code, to read:

14.1. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 3.5. Section 14.1 is added to the Civil Code, to read:

14.1. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 4. Section 51 of the Civil Code is amended to read:

51. (a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.

(b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

(c) This section shall not be construed to confer any right or privilege on a person that is conditioned or limited by law or that is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, citizenship, primary language, or immigration status, or to persons regardless of their genetic information.

(d) Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction, alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any other structure, nor shall anything in this section be construed to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other laws.

(e) For purposes of this section:

(1) "Disability" means any mental or physical disability as defined in Sections 12926 and 12926.1 of the Government Code.

(2) (A) "Genetic information" means, with respect to any individual, information about any of the following:

(i) The individual's genetic tests.

(ii) The genetic tests of family members of the individual.

(iii) The manifestation of a disease or disorder in family members of the individual.

(B) "Genetic information" includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(C) “Genetic information” does not include information about the sex or age of any individual.

(3) “Medical condition” has the same meaning as defined in subdivision (i) of Section 12926 of the Government Code.

(4) “Race” is inclusive of traits associated with race, including, but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, such hairstyles as braids, locs, and twists.

(5) “Religion” includes all aspects of religious belief, observance, and practice.

(6) “Sex” includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, and any characteristic in paragraph (3) of subdivision (b) of Section 14.1. “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

(7) “Sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status” includes any of the following:

(A) Any combination of those characteristics.

(B) A perception that the person has any particular characteristic or characteristics within the listed categories or any combination of those characteristics.

(C) A perception that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics, or any combination of characteristics, within the listed categories.

(8) “Sexual orientation” has the same meaning as defined in subdivision (s) of Section 12926 of the Government Code.

(f) A violation of the right of any individual under the federal Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.

(g) Verification of immigration status and any discrimination based upon verified immigration status, where required by federal law, shall not constitute a violation of this section.

(h) Nothing in this section shall be construed to require the provision of services or documents in a language other than English, beyond that which is otherwise required by other provisions of federal, state, or local law, including Section 1632.

SEC. 4.5. Section 51 of the Civil Code is amended to read:

51. (a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.

(b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

(c) This section shall not be construed to confer any right or privilege on a person that is conditioned or limited by law or that is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, citizenship, primary language, or immigration status, or to persons regardless of their genetic information.

(d) Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction, alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any other structure, nor shall anything in this section be construed to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other laws.

(e) For purposes of this section:

(1) “Disability” means any mental or physical disability as defined in Sections 12926 and 12926.1 of the Government Code.

(2) (A) “Genetic information” means, with respect to any individual, information about any of the following:

(i) The individual’s genetic tests.

(ii) The genetic tests of family members of the individual.

(iii) The manifestation of a disease or disorder in family members of the individual.

(B) “Genetic information” includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(C) “Genetic information” does not include information about the sex or age of any individual.

(3) “Medical condition” has the same meaning as defined in subdivision (i) of Section 12926 of the Government Code.

(4) “Race” is inclusive of traits associated with race, including, but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, such hairstyles as braids, locs, and twists.

(5) “Religion” includes all aspects of religious belief, observance, and practice.

(6) (A) “Sex” includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, and any characteristic in paragraph (3) of subdivision (b) of Section 14.1. “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

(B) “Medical condition,” as used in this paragraph, includes, but is not limited to, the conditions included in the definition of “medical condition” set forth in subdivision (i) of Section 12926 of the Government Code.

(7) “Sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status” includes any of the following:

(A) Any combination of those characteristics.

(B) A perception that the person has any particular characteristic or characteristics within the listed categories or any combination of those characteristics.

(C) A perception that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics, or any combination of characteristics, within the listed categories.

(8) “Sexual orientation” has the same meaning as defined in subdivision (s) of Section 12926 of the Government Code.

(f) A violation of the right of any individual under the federal Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.

(g) Verification of immigration status and any discrimination based upon verified immigration status, where required by federal law, shall not constitute a violation of this section.

(h) Nothing in this section shall be construed to require the provision of services or documents in a language other than English, beyond that which is otherwise required by other provisions of federal, state, or local law, including Section 1632.

SEC. 5. Section 17.5 is added to the Code of Civil Procedure, to read:

17.5. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 5.5. Section 17.5 is added to the Code of Civil Procedure, to read:

17.5. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights

to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 6. Section 1207 is added to the Commercial Code, immediately following Section 1206, to read:

1207. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 6.5. Section 1207 is added to the Commercial Code, immediately following Section 1206, to read:

1207. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall

also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 7. Section 12.4 is added to the Corporations Code, to read:

12.4. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 7.5. Section 12.4 is added to the Corporations Code, to read:

12.4. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

- (B) Degree of conformity to sex or gender stereotypes.
- (C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.
- (D) Pregnancy or related medical conditions.
- (E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.
- (F) Sexual orientation.
- (G) Variations in sex characteristics, including intersex traits or differences in sex development.
- (H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 8. Section 212.4 is added to the Education Code, to read:

212.4. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

- (1) "Discrimination" includes, but is not limited to, harassment.
- (2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.
- (3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

- (A) Assigned sex or gender category, including female, male, or nonbinary.
- (B) Degree of conformity to sex or gender stereotypes.
- (C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.
- (D) Pregnancy or related medical conditions.
- (E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.
- (F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 8.5. Section 212.4 is added to the Education Code, to read:

212.4. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive

freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 9. Section 66262.4 is added to the Education Code, to read:

66262.4. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 9.5. Section 66262.4 is added to the Education Code, to read:

66262.4. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result

in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 10. Section 353.7 is added to the Elections Code, to read:

353.7. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 10.5. Section 353.7 is added to the Elections Code, to read:

353.7. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 11. Section 212 is added to the Evidence Code, to read:

212. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights

to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 11.5. Section 212 is added to the Evidence Code, to read:

212. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 12. Section 136 is added to the Family Code, to read:

136. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall

also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 12.5. Section 136 is added to the Family Code, to read:

136. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

- (1) “Discrimination” includes, but is not limited to, harassment.
 - (2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.
 - (3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:
 - (A) Assigned sex or gender category, including female, male, or nonbinary.
 - (B) Degree of conformity to sex or gender stereotypes.
 - (C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.
 - (D) Pregnancy or related medical conditions.
 - (E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.
 - (F) Sexual orientation.
 - (G) Variations in sex characteristics, including intersex traits or differences in sex development.
 - (H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.
 - (c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.
- SEC. 13. Section 23 is added to the Financial Code, to read:
23. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.
- (2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.
- (3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.
- (b) For purposes of this section, the following definitions shall apply:
- (1) “Discrimination” includes, but is not limited to, harassment.
 - (2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.
 - (3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:
 - (A) Assigned sex or gender category, including female, male, or nonbinary.
 - (B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 13.5. Section 23 is added to the Financial Code, to read:

23. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 14. Section 9.4 is added to the Fish and Game Code, to read:

9.4. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 14.5. Section 9.4 is added to the Fish and Game Code, to read:

9.4. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 15. Section 52 is added to the Food and Agricultural Code, to read:

52. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result

in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 15.5. Section 52 is added to the Food and Agricultural Code, to read:

52. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:
(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 16. Section 27 is added to the Government Code, to read:

27. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 16.5. Section 27 is added to the Government Code, to read:

27. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights

to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 17. Section 12926 of the Government Code is amended to read:

12926. As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) "Age" refers to the chronological age of any individual who has reached a 40th birthday.

(c) Except as provided by Section 12926.05, "employee" does not include any individual employed by that person's parent, spouse, or child or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired based on expertise or the ability to perform a particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer's judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) (1) “Genetic information” means, with respect to any individual, information about any of the following:

(A) The individual’s genetic tests.

(B) The genetic tests of family members of the individual.

(C) The manifestation of a disease or disorder in family members of the individual.

(2) “Genetic information” includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(3) “Genetic information” does not include information about the sex or age of any individual.

(h) “Labor organization” includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(i) “Medical condition” means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, “genetic characteristics” means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or that person’s offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or that person’s offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(j) “Mental disability” includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) “Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) “Major life activities” shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

“Mental disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(k) “Veteran or military status” means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.

(l) “On the bases enumerated in this part” means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, reproductive health decisionmaking, or veteran or military status.

(m) “Physical disability” includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) “Limits” shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) “Major life activities” shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) “Physical disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(n) Notwithstanding subdivisions (j) and (m), if the definition of “disability” used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (j) or (m), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (j) and (m).

(o) “Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, reproductive health decisionmaking, or veteran or military status” includes any of the following:

(1) Any combination of those characteristics.

(2) A perception that the person has any of those characteristics or any combination of those characteristics.

(3) A perception that the person is associated with a person who has, or is perceived to have, any of those characteristics or any combination of those characteristics.

(p) “Reasonable accommodation” may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(q) “Religious creed,” “religion,” “religious observance,” “religious belief,” and “creed” include all aspects of religious belief, observance, and practice, including religious dress and grooming practices. “Religious dress practice” shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other

item that is part of an individual observing a religious creed. “Religious grooming practice” shall be construed broadly to include all forms of head, facial, and body hair that are part of an individual observing a religious creed.

(r) (1) “Sex” includes, but is not limited to, the following:

- (A) Pregnancy or medical conditions related to pregnancy.
- (B) Childbirth or medical conditions related to childbirth.
- (C) Breastfeeding or medical conditions related to breastfeeding.

(2) “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

(3) “Sex” also includes any characteristics listed in paragraph (3) of subdivision (b) of Section 27.

(s) “Sexual orientation” means heterosexuality, homosexuality, and bisexuality.

(t) “Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(u) “Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors:

- (1) The nature and cost of the accommodation needed.
- (2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.
- (3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness or administrative or fiscal relationship of the facility or facilities.

(v) “National origin” discrimination includes, but is not limited to, discrimination on the basis of possessing a driver’s license or identification card granted under Section 12801.9 of the Vehicle Code.

(w) “Race” is inclusive of traits associated with race, including, but not limited to, hair texture and protective hairstyles.

(x) “Protective hairstyles” includes, but is not limited to, such hairstyles as braids, locs, and twists.

(y) “Reproductive health decisionmaking” includes, but is not limited to, a decision to use or access a particular drug, device, product, or medical

service for reproductive health. This subdivision and other provisions in this part relating to “reproductive health decisionmaking” shall not be construed to mean that subdivision (r) of this section and other provisions in this part related to “sex” do not include reproductive health decisionmaking.

(z) “Group or class complaint” includes any complaint alleging a pattern or practice. This paragraph is declaratory of, and clarifies, existing law.

SEC. 17.5. Section 12926 of the Government Code is amended to read:

12926. As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) “Affirmative relief” or “prospective relief” includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) “Age” refers to the chronological age of any individual who has reached a 40th birthday.

(c) Except as provided by Section 12926.05, “employee” does not include any individual employed by that person’s parent, spouse, or child or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) “Employer” includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

“Employer” does not include a religious association or corporation not organized for private profit.

(e) “Employment agency” includes any person undertaking for compensation to procure employees or opportunities to work.

(f) “Essential functions” means the fundamental job duties of the employment position the individual with a disability holds or desires. “Essential functions” does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired based on expertise or the ability to perform a particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer’s judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) (1) “Genetic information” means, with respect to any individual, information about any of the following:

(A) The individual’s genetic tests.

(B) The genetic tests of family members of the individual.

(C) The manifestation of a disease or disorder in family members of the individual.

(2) “Genetic information” includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(3) “Genetic information” does not include information about the sex or age of any individual.

(h) “Labor organization” includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(i) “Medical condition” means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, “genetic characteristics” means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or that person’s offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or that person’s offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(j) “Mental disability” includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) “Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) “Major life activities” shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

“Mental disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(k) “Veteran or military status” means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.

(l) “On the bases enumerated in this part” means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, reproductive health decisionmaking, or veteran or military status.

(m) “Physical disability” includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) “Limits” shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) “Major life activities” shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) “Physical disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(n) Notwithstanding subdivisions (j) and (m), if the definition of “disability” used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (j) or (m), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (j) and (m).

(o) “Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, reproductive health decisionmaking, or veteran or military status” includes any of the following:

(1) Any combination of those characteristics.

(2) A perception that the person has any of those characteristics or any combination of those characteristics.

(3) A perception that the person is associated with a person who has, or is perceived to have, any of those characteristics or any combination of those characteristics.

(p) “Reasonable accommodation” may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(q) “Religious creed,” “religion,” “religious observance,” “religious belief,” and “creed” include all aspects of religious belief, observance, and practice, including religious dress and grooming practices. “Religious dress

practice” shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of an individual observing a religious creed. “Religious grooming practice” shall be construed broadly to include all forms of head, facial, and body hair that are part of an individual observing a religious creed.

(r) (1) “Sex” includes, but is not limited to, the following:

(A) Pregnancy or medical conditions related to pregnancy.

(B) Childbirth or medical conditions related to childbirth.

(C) Breastfeeding or medical conditions related to breastfeeding.

(D) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(2) “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

(3) “Sex” also includes any characteristics listed in paragraph (3) of subdivision (b) of Section 27.

(4) “Medical condition,” as used in this subdivision, includes, but is not limited to, the conditions included in the definition of “medical condition” set forth in subdivision (i).

(s) “Sexual orientation” means heterosexuality, homosexuality, and bisexuality.

(t) “Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(u) “Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness or administrative or fiscal relationship of the facility or facilities.

(v) “National origin” discrimination includes, but is not limited to, discrimination on the basis of possessing a driver’s license or identification card granted under Section 12801.9 of the Vehicle Code.

(w) “Race” is inclusive of traits associated with race, including, but not limited to, hair texture and protective hairstyles.

(x) “Protective hairstyles” includes, but is not limited to, such hairstyles as braids, locs, and twists.

(y) “Reproductive health decisionmaking” includes, but is not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health. This subdivision and other provisions in this part relating to “reproductive health decisionmaking” shall not be construed to mean that subdivision (r) of this section and other provisions in this part related to “sex” do not include reproductive health decisionmaking.

(z) “Group or class complaint” includes any complaint alleging a pattern or practice. This paragraph is declaratory of, and clarifies, existing law.

SEC. 18. Section 26 is added to the Harbors and Navigation Code, to read:

26. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 18.5. Section 26 is added to the Harbors and Navigation Code, to read:

26. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 19. Section 29 is added to the Health and Safety Code, to read:

29. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 19.5. Section 29 is added to the Health and Safety Code, to read:

29. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 20. Section 49 is added to the Insurance Code, to read:

49. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 20.5. Section 49 is added to the Insurance Code, to read:

49. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 21. Section 12.3 is added to the Labor Code, to read:

12.3. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive

freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 21.5. Section 12.3 is added to the Labor Code, to read:

12.3. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 22. Section 20 is added to the Military and Veterans Code, to read:

20. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 22.5. Section 20 is added to the Military and Veterans Code, to read:

20. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 23. Section 5.5 is added to the Penal Code, to read:

5.5. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 23.5. Section 5.5 is added to the Penal Code, to read:

5.5. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 24. Section 71 is added to the Probate Code, to read:

71. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 24.5. Section 71 is added to the Probate Code, to read:

71. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 25. Section 1105 is added to the Public Contract Code, to read:

1105. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result

in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 25.5. Section 1105 is added to the Public Contract Code, to read:

1105. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 26. Section 19 is added to the Public Resources Code, to read:

19. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 26.5. Section 19 is added to the Public Resources Code, to read:

19. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights

to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 27. Section 23 is added to the Public Utilities Code, to read:

23. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 27.5. Section 23 is added to the Public Utilities Code, to read:

23. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 28. Section 12.3 is added to the Revenue and Taxation Code, to read:

12.3. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

- (1) “Discrimination” includes, but is not limited to, harassment.
- (2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.
- (3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:
 - (A) Assigned sex or gender category, including female, male, or nonbinary.
 - (B) Degree of conformity to sex or gender stereotypes.
 - (C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.
 - (D) Pregnancy or related medical conditions.
 - (E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.
 - (F) Sexual orientation.
 - (G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 28.5. Section 12.3 is added to the Revenue and Taxation Code, to read:

12.3. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

- (1) “Discrimination” includes, but is not limited to, harassment.
- (2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.
- (3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:
 - (A) Assigned sex or gender category, including female, male, or nonbinary.
 - (B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 29. Section 37 is added to the Streets and Highways Code, to read:

37. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 29.5. Section 37 is added to the Streets and Highways Code, to read:

37. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive

freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 30. Section 23 is added to the Unemployment Insurance Code, to read:

23. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 30.5. Section 23 is added to the Unemployment Insurance Code, to read:

23. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 31. Section 552 is added to the Vehicle Code, to read:

552. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

- (1) “Discrimination” includes, but is not limited to, harassment.
 - (2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.
 - (3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:
 - (A) Assigned sex or gender category, including female, male, or nonbinary.
 - (B) Degree of conformity to sex or gender stereotypes.
 - (C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.
 - (D) Pregnancy or related medical conditions.
 - (E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.
 - (F) Sexual orientation.
 - (G) Variations in sex characteristics, including intersex traits or differences in sex development.
 - (c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.
- SEC. 31.5. Section 552 is added to the Vehicle Code, to read:
552. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.
- (2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.
- (3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.
- (b) For purposes of this section, the following definitions shall apply:
- (1) “Discrimination” includes, but is not limited to, harassment.
 - (2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.
 - (3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:
 - (A) Assigned sex or gender category, including female, male, or nonbinary.
 - (B) Degree of conformity to sex or gender stereotypes.
 - (C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 32. Section 27 is added to the Water Code, to read:

27. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 32.5. Section 27 is added to the Water Code, to read:

27. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 33. Section 28 is added to the Welfare and Institutions Code, to read:

28. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) "Discrimination" includes, but is not limited to, harassment.

(2) "Pregnancy or related medical conditions" includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) "Sex discrimination" includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual's reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 33.5. Section 28 is added to the Welfare and Institutions Code, to read:

28. (a) (1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result

in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(H) Perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

SEC. 34. Section 4.5 of this bill incorporates amendments to Section 51 of the Civil Code proposed by both this bill and Assembly Bill 1940. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2027, (2) each bill amends Section 51 of the Civil Code, and (3) this bill is enacted after Assembly Bill 1940, in which case Section 4 of this bill shall not become operative.

SEC. 35. Section 17.5 of this bill incorporates amendments to Section 12926 of the Government Code proposed by both this bill and Assembly Bill 1940. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2027, (2) each bill amends Section 12926 of the Government Code, and (3) this bill is enacted after Assembly Bill 1940, in which case Section 17 of this bill shall not become operative.

SEC. 36. (a) Sections 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 of this bill shall become operative only if Assembly Bill 1940 is not enacted and does not

become effective on or before January 1, 2027, and does not amend Section 12926 of the Government Code, in which case Sections 2.5, 3.5, 5.5, 6.5, 7.5, 8.5, 9.5, 10.5, 11.5, 12.5, 13.5, 14.5, 15.5, 16.5, 18.5, 19.5, 20.5, 21.5, 22.5, 23.5, 24.5, 25.5, 26.5, 27.5, 28.5, 29.5, 30.5, 31.5, 32.5, and 33.5 of this bill shall not become operative.

(b) Sections 2.5, 3.5, 5.5, 6.5, 7.5, 8.5, 9.5, 10.5, 11.5, 12.5, 13.5, 14.5, 15.5, 16.5, 18.5, 19.5, 20.5, 21.5, 22.5, 23.5, 24.5, 25.5, 26.5, 27.5, 28.5, 29.5, 30.5, 31.5, 32.5, and 33.5 of this bill shall become operative only if (1) Assembly Bill 1940 and this bill are enacted and become effective on or before January 1, 2027, and (2) each bill amends Section 12926 of the Government Code, in which case Sections 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 of this bill shall not become operative.

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Comparison of AB 2563, as Chaptered, to the CLRC Recommendation

Uncodified language

SEC. ____. The Legislature finds and declares that this bill is declarative of existing law and is not intended to expand or contract any existing rights or responsibilities.

Comment. This bill reflects California's commitment to the equality of rights under the law.

The language in this bill is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California's laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California's laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Bus. & Prof. Code § 14.3 (added). Scope of sex discrimination

SEC. _____. Section 14.3 is added to the Business and Professions Code, to read:

14.3. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 14.3 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Business and Professions Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Civ. Code § 14.1 (added). Scope of sex discrimination

SEC. _____. Section 14.1 is added to the Civil Code, to read:

14.1. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 14.1 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Civil Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Civ. Code § 51 (amended). Personal Rights

SEC. _____. Section 51 of the Civil Code is amended to read:

(a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.

(b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

(c) This section shall not be construed to confer any right or privilege on a person that is conditioned or limited by law or that is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, citizenship, primary language, or immigration status, or to persons regardless of their genetic information.

(d) Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction, alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any other structure, nor shall anything in this section be construed to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other laws.

(e) For purposes of this section:

(1) “Disability” means any mental or physical disability as defined in Sections 12926 and 12926.1 of the Government Code.

(2) (A) “Genetic information” means, with respect to any individual, information about any of the following:

(i) The individual’s genetic tests.

(ii) The genetic tests of family members of the individual.

(iii) The manifestation of a disease or disorder in family members of the individual.

(B) “Genetic information” includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(C) “Genetic information” does not include information about the sex or age of any individual.

(3) “Medical condition” has the same meaning as defined in subdivision (i) of Section 12926 of the Government Code.

(4) “Race” is inclusive of traits associated with race, including, but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, such hairstyles as braids, locs, and twists.

(5) “Religion” includes all aspects of religious belief, observance, and practice.

(6) “Sex” includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, ~~and any actual or perceived characteristic in paragraph (3) of subdivision (b) of Section 14.1(b)(3).~~ “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression”

means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

(7) "Sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status" includes any of the following:

(A) Any combination of those characteristics.

(B) A perception that the person has any particular characteristic or characteristics within the listed categories or any combination of those characteristics.

(C) A perception that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics, or any combination of characteristics, within the listed categories.

(8) "Sexual orientation" has the same meaning as defined in subdivision (s) of Section 12926 of the Government Code.

(f) A violation of the right of any individual under the federal Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.

(g) Verification of immigration status and any discrimination based upon verified immigration status, where required by federal law, shall not constitute a violation of this section.

(h) Nothing in this section shall be construed to require the provision of services or documents in a language other than English, beyond that which is otherwise required by other provisions of federal, state, or local law, including Section 1632.

Comment. Paragraph (6) of subdivision (e) of Section 51 is amended to reflect California's commitment to the equality of rights under the law. This amendment conforms with Section 14.1, which is added to the Civil Code, and there are sections identical to Section 14.1 in each of the other California Codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California's laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California's laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Code Civ. Proc. § 17.5 (added). Scope of sex discrimination

SEC. _____. Section 17.5 is added to the Code of Civil Procedure, to read:

17.5. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 17.5 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Code of Civil Procedure, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Com. Code § ~~36.5~~ 1207 (added). Scope of sex discrimination

SEC. _____. Section ~~36.5~~ 1207 is added to the Commercial Code, to read:

~~36.5~~ 1207. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b) this section.~~

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of ~~this section that would result in greater protections of individuals based on sex, gender, or similar discrimination~~ shall prevail ~~over provisions with a narrower scope.~~

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section ~~36.5~~ 1207 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Commercial Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Corp. Code § 12.4 (added). Scope of sex discrimination

SEC. _____. Section 12.4 is added to the Corporations Code, to read:

12.4. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 12.4 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Corporations Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Educ. Code § 212.4 (added). Scope of sex discrimination

SEC. _____. Section 212.4 is added to the Education Code, to read:

212.4. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 212.4 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Education Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Educ. Code § 66262.4 (added). Scope of sex discrimination

SEC. ____ . Section 66262.4 is added to the Education Code, to read:

66262.4. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting sex discrimination, as defined in this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of sex discrimination, gender discrimination, or similar discrimination, the provisions that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decisionmaking, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Sections 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 66262.4 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Education Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Elec. Code § 353.7 (added). Scope of sex discrimination

SEC. _____. Section 353.7 is added to the Elections Code, to read:

353.7. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 353.7 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Elections Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Evid. Code § 212 (added). Scope of sex discrimination

SEC. _____. Section 212 is added to the Evidence Code, to read:

212. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 212 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Evidence Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Fam. Code § 136 (added). Scope of sex discrimination

SEC. _____. Section 136 is added to the Family Code, to read:

136. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 136 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Family Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Fin. Code § 23 (added). Scope of sex discrimination

SEC. _____. Section 23 is added to the Financial Code, to read:

23. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 23 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Financial Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Fish & Game Code § 9.4 (added). Scope of sex discrimination

SEC. _____. Section 9.4 is added to the Fish and Game Code, to read:

9.4. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 9.4 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Fish and Game Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Food & Agric. Code § 52 (added). Scope of sex discrimination

SEC. _____. Section 52 is added to the Food and Agriculture Code to read:

52. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 52 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Food and Agriculture Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Gov't Code § 27 (added). Scope of sex discrimination

SEC. _____. Section 27 is added to the Government Code, to read:

27. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 27 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Government Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Gov't Code § 12926 (amended). Definitions

SEC. _____. Section 12926 in the Government Code is amended to read:

As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) “Affirmative relief” or “prospective relief” includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) “Age” refers to the chronological age of any individual who has reached a 40th birthday.

(c) Except as provided by Section 12926.05, “employee” does not include any individual employed by that person’s parent, spouse, or child or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) “Employer” includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

“Employer” does not include a religious association or corporation not organized for private profit.

(e) “Employment agency” includes any person undertaking for compensation to procure employees or opportunities to work.

(f) “Essential functions” means the fundamental job duties of the employment position the individual with a disability holds or desires. “Essential functions” does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired based on expertise or the ability to perform a particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer’s judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) (1) “Genetic information” means, with respect to any individual, information about any of the following:

(A) The individual’s genetic tests.

(B) The genetic tests of family members of the individual.

(C) The manifestation of a disease or disorder in family members of the individual.

(2) “Genetic information” includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(3) “Genetic information” does not include information about the sex or age of any individual.

(h) “Labor organization” includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(i) “Medical condition” means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, “genetic characteristics” means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or that person’s offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or that person’s offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(j) “Mental disability” includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) “Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) “Major life activities” shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

“Mental disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(k) “Veteran or military status” means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.

(l) “On the bases enumerated in this part” means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, reproductive health decisionmaking, or veteran or military status.

(m) “Physical disability” includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) “Limits” shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) “Major life activities” shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) “Physical disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(n) Notwithstanding subdivisions (j) and (m), if the definition of “disability” used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (j) or (m), or would include any medical condition not included within those

definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (j) and (m).

(o) “Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, reproductive health decisionmaking, or veteran or military status” includes any of the following:

(1) Any combination of those characteristics.

(2) A perception that the person has any of those characteristics or any combination of those characteristics.

(3) A perception that the person is associated with a person who has, or is perceived to have, any of those characteristics or any combination of those characteristics.

(p) “Reasonable accommodation” may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(q) “Religious creed,” “religion,” “religious observance,” “religious belief,” and “creed” include all aspects of religious belief, observance, and practice, including religious dress and grooming practices. “Religious dress practice” shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of an individual observing a religious creed. “Religious grooming practice” shall be construed broadly to include all forms of head, facial, and body hair that are part of an individual observing a religious creed.

(r) (1) “Sex” includes, but is not limited to, the following:

(A) Pregnancy or medical conditions related to pregnancy.

(B) Childbirth or medical conditions related to childbirth.

(C) Breastfeeding or medical conditions related to breastfeeding.

(2) “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

(3) “Sex” also includes any ~~actual or perceived~~ characteristics listed in ~~Section 27(b)(3)~~ paragraph (3) of subdivision (b) of Section 27.

(s) “Sexual orientation” means heterosexuality, homosexuality, and bisexuality.

(t) “Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(u) “Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness or administrative or fiscal relationship of the facility or facilities.

(v) “National origin” discrimination includes, but is not limited to, discrimination on the basis of possessing a driver’s license or identification card granted under Section 12801.9 of the Vehicle Code.

(w) “Race” is inclusive of traits associated with race, including, but not limited to, hair texture and protective hairstyles.

(x) “Protective hairstyles” includes, but is not limited to, such hairstyles as braids, locs, and twists.

(y) “Reproductive health decisionmaking” includes, but is not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health. This subdivision and other provisions in this part relating to “reproductive health decisionmaking” shall not be construed to mean that subdivision (r) of this section and other provisions in this part related to “sex” do not include reproductive health decisionmaking.

(z) “Group or class complaint” includes any complaint alleging a pattern or practice. This paragraph is declaratory of, and clarifies, existing law.

Comment. Paragraph (3) of subdivision (r) of Section 12926 is amended to reflect California’s commitment to the equality of rights under the law. This amendment conforms with Section 27, which is added to the Government Code, and there are sections identical to Section 27 in each of the other California Codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Harb. and Nav. Code § 26 (added). Scope of sex discrimination

SEC. _____. Section 26 is added to the Harbors and Navigation Code, to read:

26. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 26 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Harbors and Navigation, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Health & Safety Code § 29 (added). Scope of sex discrimination

SEC. _____. Section 29 is added to the Health and Safety Code, to read:

29. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in paragraph (3) of subdivision (b) this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For the purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 29 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Health and Safety Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Ins. Code § 49 (added). Scope of sex discrimination

SEC. _____. Section 49 is added to the Insurance Code, to read:

49. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 49 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Insurance Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Lab. Code § 12.3 (added). Scope of sex discrimination

SEC. _____. Section 12.3 is added to the Labor Code, to read:

12.3. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 12.3 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Labor Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Mil. & Vet. Code § 20 (added). Scope of sex discrimination

SEC. _____. Section 20 is added to the Military and Veterans Code, to read:

20. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 20 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Military and Veterans Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Penal Code § 5.5 (added). Scope of sex discrimination

SEC. _____. Section 5.5 is added to the Penal Code, to read:

5.5. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 5.5 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Penal Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Prob. Code § 71 (added). Scope of sex discrimination

SEC. _____. Section 71 is added to the Probate Code, to read:

71. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 71 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Probate Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Pub. Cont. Code § 1105 (added). Scope of sex discrimination

SEC. _____. Section 1105 is added to the Public Contract Code, to read:

1105. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 1105 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Public Contract Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Pub. Res. Code § 19 (added). Scope of sex discrimination

SEC. _____. Section 19 is added to the Public Resources Code, to read:

19. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in paragraph (3) of subdivision (b) this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For the purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 19 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Public Resources Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Pub. Util. Code § 23 (added). Scope of sex discrimination

SEC. _____. Section 23 is added to the Public Utilities Code, to read:

23. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 23 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Public Utilities Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Rev. & Tax. Code § 12.3 (added). Scope of sex discrimination

SEC. _____. Section 12.3 is added to the Revenue and Taxation Code, to read:

12.3. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 12.3 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Revenue and Taxation Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Sts. and Hy. Code § 37 (added). Scope of sex discrimination

SEC. _____. Section 37 is added to the Streets and Highways Code, to read:

37. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 37 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Streets and Highways Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Unemp. Ins. Code § 22 (added). Scope of sex discrimination

SEC. _____. Section 22 is added to the Unemployment Insurance Code, to read:

22. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 22 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Unemployment Insurance Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Veh. Code § 552 (added). Scope of sex discrimination

SEC. _____. Section 552 is added to the Vehicle Code, to read:

552. ((a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 552 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Vehicle Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Water. Code § 27 (added). Scope of sex discrimination

SEC. _____. Section 27 is added to the Water Code, to read:

27. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 27 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Water Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).

Welf. & Inst. Code § 28 (added). Scope of sex discrimination

SEC. _____. Section 28 is added to the Welfare and Institutions Code, to read:

28. (a)(1) Any provision that prohibits discrimination on the basis of sex, discrimination on the basis of gender, or similar discrimination shall also be interpreted as prohibiting “sex discrimination,” as defined in ~~paragraph (3) of subdivision (b)~~ this section.

(2) In case of a conflict between the provisions of this section and other provisions of this code that set forth the scope of “sex discrimination,” gender discrimination, or similar discrimination, the provisions of this section that would result in greater protections of individuals based on sex, gender, or similar discrimination shall prevail over provisions with a narrower scope.

(3) This section shall not be construed to impair or diminish any other civil rights protection that is broader in scope.

(b) For ~~the~~ purposes of this section, the following definitions shall apply:

(1) “Discrimination” includes, but is not limited to, harassment.

(2) “Pregnancy or related medical conditions” includes, but is not limited to, childbirth, abortion, lactation, miscarriage, fertility, and contraception.

(3) “Sex discrimination” includes, but is not limited to, discrimination based on any of the following actual or perceived characteristics or actions:

(A) Assigned sex or gender category, including female, male, or nonbinary.

(B) Degree of conformity to sex or gender stereotypes.

(C) Gender, including gender identity, gender expression, and access to, and use of, gender affirming care and other related health care.

(D) Pregnancy or related medical conditions.

(E) Decision-making, access to care, or potential or actual use of a drug, device, product, or service relating to pregnancy or related medical conditions.

(F) Sexual orientation.

(G) Variations in sex characteristics, including intersex traits or differences in sex development.

(c) This section reflects the existing protections of Section 1, 1.1, 7, and 8 of Article I of the California Constitution recognizing the individual rights to pursue and obtain safety, happiness, and privacy, ensuring equal protection of the laws, protecting the ability to enter or pursue a business, profession, vocation, or employment, and protecting an individual’s reproductive freedom. This section shall be liberally construed to effectuate the purposes of these constitutional protections.

Comment. Section 28 is added to reflect California’s commitment to the equality of rights under the law. While this section applies specifically to the Welfare and Institutions Code, there are identical sections in each of the other California codes to clarify and provide consistency across all California laws governing sex discrimination.

This section is derived from existing California constitutional protections, but not by way of limitation, and intended to provide express language confirming that California’s laws prohibiting and protecting against sex discrimination address, at a minimum, discrimination based on the listed characteristics and actions. The scope of this section is consistent with the broad scope of anti-discrimination protections in the Unruh Civil Rights Act (Section 51 of the Civil Code), the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), and California’s laws on educational equity (Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code).



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August 30, 2026

The Honorable Cecilia Aguiar-Curry, Majority Leader
California State Assembly
1021 O Street, Suite 8210
Sacramento, CA 95814

RE: AB 1776 (Aguiar-Curry) Cartwright Act: violations. SUPPORT

Dear Assemblymember Aguiar-Curry:

Attorney General Bonta is pleased to support your Assembly Bill 1776, the COMPETE Act, which would update California's Cartwright Act to prohibit single-firm anticompetitive conduct, adopting recommendations developed by the California Law Revision Commission (CLRC) after a multi-year antitrust study.

For more than a century, the Cartwright Act has prohibited anticompetitive conduct only when two or more companies are involved. However, as the CLRC recognized in its study, a single dominant company can undermine competition on its own, causing significant harm to California consumers, workers, and small businesses. Forty-five other states already have laws prohibiting single-firm monopolization used to illegal advantage, while California is only one of five states without such protections under its antitrust law.

Because California law currently lacks a clear state prohibition on monopolization, prosecutors are often forced to bring challenges to illegal monopolies in federal court. AB 1776 would instead permit monopolization and monopsonization claims to be brought in state court under decades of related Cartwright Act case law, rather than relying on federal Sherman Act precedent. The bill would also provide statutory guidance to courts regarding the interpretation of the Cartwright Act for single-firm conduct and clarify when and how courts may look to Sherman Act case law.

Antitrust enforcement protects consumers and businesses by ensuring that markets remain competitive. When companies collude or obtain or maintain market power through unlawful anticompetitive practices, they face less pressure to keep prices competitive and may be able to raise prices without the risk of losing customers to competitors. Vigorous antitrust enforcement

promotes fair prices, meaningful consumer choice, quality goods and services, and continued innovation.

Attorney General Bonta has made robust antitrust enforcement a top priority, leading the charge within the state and across the country to hold violators accountable. For example, in April 2026, more than two years of litigation by Attorney General Bonta and bipartisan attorneys general nationwide resulted in a historic jury verdict finding Live Nation/Ticketmaster liable for anticompetitive conduct that harmed the music industry and included overcharging consumers. And in July 2024, the Attorney General announced a \$50 million settlement with gas trading firms, resolving allegations that the firms secretly worked together to tamper with and manipulate spot market prices for California gasoline.

For these reasons, Attorney General Bonta strongly supports AB 1776 and thanks you for your historic efforts to strengthen California's antitrust laws. At a time when ensuring competitive markets is as essential as ever, AB 1776 would provide California with an important additional tool to prevent anticompetitive conduct—including conduct by a single firm—from raising prices or otherwise harming workers, consumers, and small businesses.

Sincerely,

A handwritten signature in black ink that reads "Anthony Lew". The signature is written in a cursive, flowing style.

ANTHONY LEW
Deputy Attorney General
Office of Legislative Affairs

For: ROB BONTA
Attorney General

Assembly Bill No. 1776

CHAPTER 826

An act to add Sections 16730, 16731, and 16732 to the Business and Professions Code, relating to business regulations.

[Approved by Governor September 30, 2026. Filed with
Secretary of State September 30, 2026.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1776, Aguiar-Curry. Cartwright Act: violations.

Existing law, commonly known as the Cartwright Act, identifies certain acts as unlawful restraints of trade and unlawful trusts and prescribes provisions for its enforcement. Chapter 338 of the Statutes of 2025 provides that in a complaint for any violation of the Cartwright Act, it is sufficient to contain factual allegations demonstrating that the existence of a contract, combination in the form of a trust, or conspiracy to restrain trade or commerce is plausible. Chapter 338 of the Statutes of 2025 also provides that a complaint for any violation of the Cartwright Act is not required to allege facts tending to exclude the possibility of independent action. Existing case law, *In re Cipro Cases I & II* (2015) 61 Cal.4th 116, establishes a rule of reason analysis for certain claims under the Cartwright Act, which, among other things, determines whether an act was made for the purpose of avoiding competition and whether the anticompetitive effects of the agreement outweigh any procompetitive justifications.

This bill would prohibit any person from monopolizing or monopsonizing any part of trade or commerce, as provided. The bill would require courts to use the analytical framework and guidance provided in *In re Cipro Cases I & II*. The bill would require a plaintiff bringing an action under its provisions to allege, and prove at trial, substantial market power through either direct or indirect evidence. The bill would exempt a small business, as defined, from these provisions. The bill would provide that its provisions do not prevent, limit, or prohibit certain conduct and legal instruments, including exclusive franchises granted and supervised by a local, state, or federal governmental agency.

This bill would require any action brought pursuant to these provisions to be initiated only by the Attorney General or a district attorney, and would, with certain exceptions, preclude an alleged violation under its provisions from serving as a predicate violation under the Unfair Competition Law. The bill would require an action brought pursuant to these provisions to be filed as a "complex case" pursuant to provisions of law requiring the assessment of additional court fees, as specified. The bill would also make related findings and declarations. The bill would require courts to liberally

interpret California’s antitrust laws to best promote free and fair competition, as provided.

Because the bill would expand the scope of activities prohibited by the Cartwright Act, the violation of which is punishable as a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 16730 is added to the Business and Professions Code, to read:

16730. (a) The purpose of the Cartwright Act is discussed by the California Supreme Court in *Clayworth v. Pfizer, Inc.* (2010) 49 Cal.4th 758, 783 and in *In re Cipro Cases I & II* (2015) 61 Cal.4th 116, 136.

(b) Protecting competition includes protecting competition between businesses when they compete for workers by prohibiting anticompetitive business practices that impede workers’ freedom to choose employment.

(c) The California Supreme Court has determined that the Cartwright Act is “broader in range and deeper in reach” than the federal Sherman Anti-Trust Act (*Cianci v. Superior Court* (1985) 40 Cal.3d 903, 920). The California Supreme Court has found the Cartwright Act is not modeled on the federal Sherman Anti-Trust Act and therefore interpretations of federal antitrust law are not conclusive (*Aryeh v. Canon Business Solutions, Inc.* (2013) 55 Cal.4th 1185, 1195). Further, California courts have recognized that the Cartwright Act departs from the Sherman Anti-Trust Act in many respects, including, but not limited to, inclusion of indirect purchaser recovery (Section 16750); use of a proximate cause test for Cartwright Act standing and antitrust injury (*Cellular Plus, Inc. v. Superior Court* (1993) 14 Cal. App. 4th 1224, 1232); recognition of broader harms and per se conduct (Sections 16720 to 16729, inclusive); lower actionable market shares (*Fisherman Wharf Bay Cruise v. Superior Ct.* (2003) 114 Cal. App. 4th 309, 326); structured rule of reason analysis (*In re Cipro Cases I & II* (2015) 61 Cal.4th 116, 147); and differing burdens of proof.

(d) Interpretations of federal antitrust laws are at most instructive when construing California’s antitrust laws, as they are not modeled on federal antitrust statutes (*Aryeh v. Canon Business Sols., Inc.* (2013) 55 Cal.4th 1185, 1195).

(e) The Legislature affirms that, as referenced in *In re Cipro Cases I & II* (2015) 61 Cal.4th 116, 148, a business may lawfully obtain and maintain market power or monopoly power through the superiority of its products, services, or business acumen.

SEC. 2. Section 16731 is added to the Business and Professions Code, to read:

16731. (a) It is unlawful for every person to monopolize or monopsonize, attempt to monopolize or monopsonize, maintain a monopoly or monopsony, or combine or conspire with another person to monopolize or monopsonize any part of trade or commerce.

(b) Courts adjudicating a claim brought under this section shall use the analytical framework and guidance of the California Supreme Court in the manner described in *In re Cipro Cases I & II* (2015) 61 Cal.4th 116, 146–147.

(c) A plaintiff bringing an action pursuant to this section shall be required to allege and, to prevail at trial, prove substantial market power, either through direct or indirect evidence.

(d) This section shall not apply to any small business, meaning an independently owned and operated business, the principal office of which is located in California, the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees and average annual gross receipts of ten million dollars (\$10,000,000) or less over the three years before the filing of the complaint.

(e) (1) This section does not prevent, limit, or prohibit:

(A) Any exclusive franchise, contract, license, or permit that is granted and supervised by a local, state, or federal governmental agency.

(B) Conduct required or authorized pursuant to state or federal law that is granted and supervised by a local, state, or federal governmental agency.

(2) This section does not impose any liability on a person or entity for conduct within the scope of authority granted by one or more such exclusive franchises, contracts, licenses, or permits.

(3) For purposes of this subdivision, “local governmental agency” includes a city, county, special district, sanitation district, or joint powers agency.

(f) (1) An action pursuant to this section may be initiated only by the Attorney General or a district attorney.

(2) Except in an action brought by the Attorney General or a district attorney pursuant to this section, an alleged violation of this section shall not serve as a predicate violation under Chapter 5 (commencing with Section 17200).

(3) This subdivision does not apply to, create or extinguish a defense to, or limit the scope of, an action that is not brought pursuant to this section.

(g) Sections 16756, 16756.1, and 16757 do not apply to claims brought under this section unless the claims allege that a person combined or conspired with another person to monopolize or monopsonize any part of trade or commerce.

(h) Pursuant to Section 70616 of the Government Code, any action under this section shall be filed as a complex case.

SEC. 3. Section 16732 is added to the Business and Professions Code, to read:

16732. Courts shall liberally interpret California’s antitrust laws to best promote free and fair competition and be mindful that California favors

“maximizing” effective deterrence of antitrust violations (Clayworth v. Pfizer, Inc. (2010) 49 Cal.4th 758).

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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Comparison of AB 1776, as Chaptered, to the CLRC Recommendation

SECTION 1. Section 16730 is added to the Business and Professions Code, to read:

16730. (a) ~~The purpose of this section and Sections 16731, 16732, and 16733 is the promotion and protection of free and fair competition, which is fundamental to a healthy marketplace that protects all trade participants, including workers and consumers, and to an environment that is conducive to the preservation of our democratic, political, and social institutions. the Cartwright Act is discussed by the California Supreme Court in Clayworth v. Pfizer, Inc. (2010) 49 Cal.4th 758, 783 and in In re Cipro Cases I & II (2015) 61 Cal.4th 116, 136.~~

(b) Protecting competition includes protecting competition between businesses when they compete for workers by prohibiting anticompetitive business practices that impede workers' freedom to choose employment.

(c) The California Supreme Court has determined that the Cartwright Act is “broader in range and deeper in reach” than the federal Sherman Anti-Trust Act (Cianci v. Superior Court (1985) 40 Cal.3d 903, 920). The California Supreme Court has found the Cartwright Act is not modeled on the federal Sherman Anti-Trust Act and therefore interpretations of federal antitrust law are not conclusive (Aryeh v. Canon Business Solutions, Inc. (2013) 55 Cal.4th 1185, 1195). Further, California courts have recognized that the Cartwright Act departs from the Sherman Anti-Trust Act in many respects, including, but not limited to, inclusion of indirect purchaser recovery, (Section 16750); use of a proximate cause test for Cartwright Act standing, and antitrust injury (Cellular Plus, Inc. v. Superior Court (1993) 14 Cal. App. 4th 1224, 1232); recognition of broader harms and per se conduct, (Sections 16720 to 16729, inclusive); lower actionable market shares, (Fisherman Wharf Bay Cruise v. Superior Ct. (2003) 114 Cal. App. 4th 309, 326); structured rule of reason analysis, (In re Cipro Cases I & II (2015) 61 Cal.4th 116, 147); and differing burdens of proof.

~~(d) Federal case law on the subject of this article is not binding on California state courts, but courts may consider federal case law as persuasive authority to the extent they find it consistent with California law, including this section. Interpretations of federal antitrust laws are at most instructive when construing California's antitrust laws, as they are not modeled on federal antitrust statutes (Aryeh v. Canon Business Sols., Inc. (2013) 55 Cal.4th 1185, 1195).~~

~~(e) California agrees with the United States Department of Justice and the Federal Trade Commission in recognizing that unilateral action and multiparty actions, horizontal and vertical relationships, and various forms of corporate entities can interfere with free and fair competition, as reflected in the Federal Trade Commission and Department of Justice 2023 Merger Guidelines.~~

The Legislature affirms that, as referenced in In re Cipro Cases I & II (2015) 61 Cal.4th 116, 148, a business may lawfully obtain and maintain market power or monopoly power through the superiority of its products, services, or business acumen.

SEC. 2. Section 16731 is added to the Business and Professions Code, to read:

16731. (a) It is unlawful for ~~one or more persons to act, cause, take, or direct measures, actions, or events that are either of the following:~~

~~(1) In restraint of trade. As used in this paragraph, “restraint of trade” includes, but is not limited to, any actions, measures, or acts included or cognizable under Section 16720, whether directed, caused, or performed by one or more persons.~~

~~(2) every person to To monopolize or monopsonize, to attempt to monopolize or monopsonize, to maintain a monopoly or monopsony, or to combine or conspire with another person to monopolize or monopsonize in any part of trade or commerce.~~

~~(b) Anticompetitive effects and procompetitive justifications of the challenged conduct shall be evaluated within the same relevant market.~~

Courts adjudicating a claim brought under this section shall use the analytical framework and guidance of the California Supreme Court in the manner described in In re Cipro Cases I & II (2015) 61 Cal.4th 116, 146–147.

(c) A plaintiff bringing an action pursuant to this section shall be required to allege and, to prevail at trial, prove substantial market power, either through direct or indirect evidence.

(d) This section shall not apply to any small business, meaning an independently owned and operated business, the principal office of which is located in California, the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees and average annual gross receipts of ten million dollars (\$10,000,000) or less over the three years before the filing of the complaint.

(e) (1) This section does not prevent, limit, or prohibit:

(A) Any exclusive franchise, contract, license, or permit that is granted and supervised by a local, state, or federal governmental agency.

(B) Conduct required or authorized pursuant to state or federal law that is granted and supervised by a local, state, or federal governmental agency.

(2) This section does not impose any liability on a person or entity for conduct within the scope of authority granted by one or more such exclusive franchises, contracts, licenses, or permits.

(3) For purposes of this subdivision, “local governmental agency” includes a city, county, special district, sanitation district, or joint powers agency.

(f) (1) An action pursuant to this section may be initiated only by the Attorney General or a district attorney.

(2) Except in an action brought by the Attorney General or a district attorney pursuant to this section, an alleged violation of this section shall not serve as a predicate violation under Chapter 5 (commencing with Section 17200).

(3) This subdivision does not apply to, create or extinguish a defense to, or limit the scope of, an action that is not brought pursuant to this section.

(g) Sections 16756, 16756.1, and 16757 do not apply to claims brought under this section unless the claims allege that a person combined or conspired with another person to monopolize or monopsonize any part of trade or commerce.

(h) Pursuant to Section 70616 of the Government Code, any action under this section shall be filed as a complex case.

SEC. 3. Section 16732 is deleted.

~~16732. Any of the following may constitute evidence of a violation of Section 16731, but establishing liability shall not require a finding, including, but not limited to, of any of the following:~~

- ~~(a) The unilateral conduct of the defendant altered or terminated a prior course of dealing between the defendant and a person subject to the exclusionary conduct.~~
- ~~(b) The defendant treated persons subject to the exclusionary conduct differently than the defendant treated other persons.~~
- ~~(c) The defendant's price for a product or service was below any measure of the costs to the defendant for providing the product or service required under federal antitrust law.~~
- ~~(d) The defendant's conduct makes no economic sense apart from its tendency to harm competition.~~
- ~~(e) The conduct's risk of harming competition or actual harm must be proven with quantitative evidence.~~
- ~~(f) In a case where a defendant's business is a multisided platform, the defendant's conduct presents harm to competition on more than one side of the multisided platform, or the harm to competition on one side of the multisided platform outweighs any benefits to competition on any other side of the multisided platform.~~
- ~~(g) In a claim of predatory pricing, the defendant is likely to recoup the losses it sustains from below cost pricing of the products or services at issue.~~
- ~~(h) The rival whose ability to compete has been reduced or harmed is as efficient, or nearly as efficient, as the defendant.~~
- ~~(i) A single firm or person has or might achieve a market share or has market power at or above a threshold recognized under Section 2 of Title 15 of the United States Code.~~
- ~~(j) A definition of "relevant market" where there is direct evidence of market power.~~

SEC. 3. Section ~~16733~~ 16732 is added to the Business and Professions Code, to read:

~~16733.~~ 16732. Courts shall liberally interpret California's antitrust laws to best promote free and fair competition and be mindful that California favors "maximizing" effective deterrence of antitrust violations (Clayworth v. Pfizer, Inc. (2010) 49 Cal.4th 758).