

ASSEMBLY BILL

No. 2826

Introduced by Assembly Member Low

February 20, 2020

An act to add Part 2.57 (commencing with Section 55.7) to Division 1 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 2826, as introduced, Low. Gender neutral retail departments.

Existing law, the Unruh Civil Rights Act, specifies that all persons within the jurisdiction of the state are free and equal, and no matter 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.

This bill would require a retail department store with 500 or more employees to maintain undivided areas of its sales floor where, if it sells childcare articles, children's clothing, or toys, all childcare items, all clothing for children, or all toys, regardless of whether a particular item has traditionally been marketed for either girls or for boys, shall be displayed. Beginning on January 1, 2023, the bill would make a retail department store that fails to correct a violation of these provisions within 30 days of receiving written notice of the violation from the Attorney General liable for a civil penalty of \$1,000, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

SECTION 1. Part 2.57 (commencing with Section 55.7) is added to Division 1 of the Civil Code, to read:

PART 2.57. GENDER NEUTRAL RETAIL DEPARTMENTS

55.7. The Legislature finds and declares both of the following:

(a) Unjustified differences in similar products that are traditionally marketed either for girls or for boys can be more easily identified by the consumer if similar items are displayed closer to one another in one, undivided area of the retail sales floor.

(b) Keeping similar items that are traditionally marketed either for girls or for boys separated makes it more difficult for the consumer to compare the products and incorrectly implies that their use by one gender is inappropriate.

55.8. (a) A retail department store shall maintain one, undivided area of its sales floor where, if it sells childcare articles, all childcare articles, regardless of whether a particular item has traditionally been marketed for either girls or for boys, shall be displayed.

(b) A retail department store shall maintain one, undivided area of its sales floor where, if it sells children's clothing, all clothing for children, regardless of whether a particular item has traditionally been marketed for either girls or for boys, shall be displayed.

(c) A retail department store shall maintain one, undivided area of its sales floor where, if it sells toys, all toys, regardless of whether a particular item has traditionally been marketed for either girls or for boys, shall be displayed.

(d) This section shall only apply to retail department stores with 500 or more employees.

(e) Beginning on January 1, 2023, a retail department store that fails to correct a violation of this section within 30 days of receiving written notice of the violation from the Attorney General is liable for a civil penalty of one thousand dollars (\$1,000) which may be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General in any court of competent jurisdiction.

(f) For purposes of this section:

1 (1) “Childcare articles” means any product designed or intended
2 by the manufacturer to facilitate sleep, relaxation, or the feeding
3 of children, or to help children with sucking or teething.

4 (2) “Clothing” means any wearing apparel, worn for any
5 purpose, including under and outer garments, shoes, and
6 accessories composed primarily of woven material, natural or
7 synthetic yarn, fiber, or leather or similar fabric.

8 (3) “Toys” means all products designed or intended by the
9 manufacturer to be used by children when they play.

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