

AMENDED IN SENATE JUNE 14, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 14**

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**Introduced by Assembly Member Laird**  
**(Coauthors: Assembly Members Hancock, Leno, Lieber, and**  
**Saldana)**

(Coauthors: Senators Kehoe and Kuehl)

December 4, 2006

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An act to amend Sections 125.6, 16721, 16721.5, 19572, 23426.5, 23428.19, 23428.28, and 23438 of the Business and Professions Code, to amend Sections 82, 83, 84, 85, and 1747.80 of the Civil Code, to amend Sections 204 and 425.15 of the Code of Civil Procedure, to amend Sections 5047.5 and 24001.5 of the Corporations Code, to amend Sections 66030, 66251, 66270, 66292, 66292.1, 66292.2, 69535, 72011, 72014, 89757, and 92150 of the Education Code, to amend Section 2110 of the Elections Code, to amend Sections 11015, 11131, 54091, 54092, 54961, and 68088 of the Government Code, to amend Sections 1317, 1317.3, and 11801 of the Health and Safety Code, to amend Section 10115.7 of the Public Contract Code, to amend Sections 5080.18 and 5080.34 of the Public Resources Code, to amend Sections 453 and 12751.3 of the Public Utilities Code, to amend Section 24343.2 of, and to repeal and amend Section 17269 of, the Revenue and Taxation Code, and to amend Sections 4666, 5348, 5806, 10000, 16522.1, and 18907 of the Welfare and Institutions Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 14, as amended, Laird. Discrimination: Civil Rights Act of 2007.

(1) The Unruh Civil Rights Act entitles all persons within the jurisdiction of this state to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments, regardless of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

Under existing law, persons holding licenses under the provisions of the Business and Professions Code are subject to disciplinary action for refusing, or aiding or inciting another licensee to refuse, to perform the licensed services because of the prospective recipient's race, color, sex, religion, ancestry, disability, marital status, or national origin. Existing law also creates an exception to that prohibition for healing arts practitioners if the licensed activity sought would pose a direct threat to the health or safety of others.

This bill would enact the Civil Rights Act of 2007, *as described herein*, and would instead subject those licensees to disciplinary action if the above-described discrimination is based upon the prospective recipient's sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation. This bill would also provide, however, that nothing in these provisions would *prohibit the consideration of those characteristics for purposes of diagnosis or treatment, or require any healing arts practitioner to perform a licensed activity for which he or she is not qualified.*

(2) Existing law provides that no person within the jurisdiction of this state shall be excluded or required to be excluded from a business transaction on the basis of a policy expressed in any document or writing and imposed by a 3rd party if that policy requires discrimination against that person on the basis of the person's sex, race, color, religion, ancestry, or national origin, or on the basis that the person conducts or has conducted business in a particular location.

This bill would instead prohibit that discrimination if based upon sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation, or on the basis that the person conducts or has conducted business in a particular location.

(3) Existing law provides that it is an unlawful trust and an unlawful restraint of trade for any person to grant or accept any letter of credit, or other document that evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, if the letter of credit, contract, or other document contains any provision that requires any person to discriminate against, or to certify that he, she, or it has not dealt with, any other person on the basis of sex, race, color, religion,

ancestry, or national origin, or on the basis of a person's lawful business association.

This bill would instead prohibit that discrimination if based upon sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation, or on the basis of a person's lawful business association.

(4) The Horse Racing Law authorizes the California Horse Racing Board to provide by rule for the exclusion or ejection of specified persons from any horseracing inclosure. Notwithstanding that authorization, the law prohibits the board from providing by rule for the exclusion or ejection of a person on the ground of race, color, creed, national origin or ancestry, or sex.

This bill would instead prohibit the board from excluding or ejecting a person on the ground of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(5) Existing law prohibits tennis, handball, racquetball, and beach and athletic clubs from discriminating against any person on account of specified characteristics.

This bill would conform those provisions to the Unruh Civil Rights Act, and instead prohibit those clubs from discriminating on account of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(6) Existing law requires every alcoholic beverage club licensee that restricts membership or the use of its services or facilities on the basis of age, sex, race, religion, color, ancestry, or national origin to incorporate a printed statement on its receipts that the expenditures covered by those receipts are nondeductible for tax purposes.

This bill would instead impose that requirement upon every alcoholic beverage club licensee that restricts membership or the use of its services or facilities on the basis of ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(7) The California Fair Dealership Law prohibits various acts of discrimination based on race, color, religion, national ancestry, or sex, with regard to the granting of dealerships, as defined.

This bill would conform those provisions to the Unruh Civil Rights Act, and instead prohibit that discrimination based upon sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(8) A provision of the Song-Beverly Credit Card Act of 1971 prohibits a card issuer, as defined, from refusing to issue a credit card

to a person solely because of that person's race, religious creed, color, national origin, ancestry, or sex.

This bill would conform that provision to the Unruh Civil Rights Act, and instead prohibit that discrimination if based upon sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(9) Existing law specifies that no eligible person shall be exempt from service as a trial juror by reason of occupation, race, color, religion, sex, national origin, economic status, or sexual orientation, or for any other reason.

This bill would instead specify that no eligible person shall be exempt from service as a trial juror by reason of occupation, economic status, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, or for any other reason.

(10) Existing law provides that no cause of action may be maintained against a person serving without compensation as a director or officer of a nonprofit corporation incorporated pursuant to specified provisions of the nonprofit corporation law on account of any negligent act or omission by that person within the scope of that person's duties, except by court order or if the corporation unlawfully restricts membership, services, or benefits conferred on the basis of race, religious creed, color, national origin, ancestry, sex, marital status, disability, political affiliation, or age.

This bill would instead except from that immunity a director or officer of a nonprofit corporation that unlawfully restricts membership, services, or benefits on the basis of ancestry, marital status, political affiliation, race, national origin, religion, age, sex, sexual orientation, color, disability, or medical condition.

(11) Existing law provides that it is the policy of the state to afford all persons equal rights and opportunities in the postsecondary institutions of the state, regardless of specified factors. Existing law prohibits those institutions from discriminating on the basis of those factors, and requires the governing board of each community college district, the Chancellor of the California State University, the president of each California State University campus, the President of the University of California, and the chancellor of each University of California campus to ensure that campus programs and activities are free from discrimination based upon those factors.

This bill would recast those factors in terms of, among others, sex, race, color, religion, age, ethnic group identification, national origin, disability, or sexual orientation.

(12) Existing law requires Cal Grant Program awards to be awarded without regard to race, religion, creed, sex, or age.

This bill would instead require Cal Grant Program awards to be awarded without regard to age, sex, race, color, religion, ethnic group identification, national origin, disability, or sexual orientation.

(13) Existing law prohibits the funds of a community college district, California State University, or University of California to be used for membership with, or for any participation involving a financial payment or contribution to, any private organization which membership practices are discriminatory on the basis of race, creed, color, sex, religion, or national origin.

This bill would instead prohibit those funds from being used for membership or participation with any private organization that discriminates on the basis of sex, race, color, religion, age, ethnic group identification, national origin, disability, or sexual orientation.

(14) Existing law prohibits a county elections official from refusing to deputize a person to register voters because of race, creed, color, national origin, ancestry, sex, marital status, disability, religious or political affiliation, or age.

This bill would instead prohibit that refusal to deputize if based upon a person's ancestry, marital status, political affiliation, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(15) Existing law prohibits the state from using state funds for membership or any participation involving any private organization or the use of a facility which membership practices discriminate on the basis of, among others, race, creed, color, sex, religion, or national origin. Existing law also prohibits the legislative body of a local agency from using a facility which practices discriminate on the basis of those factors.

This bill would instead prohibit that state or local involvement and use of private facilities if the organization or facility discriminates on the basis of, among others, ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(16) Existing law requires a city, county, or other local agency that owns, operates, or controls a public beach, or access to that beach, to

allow for its use by any person regardless of color, race, religion, ancestry, sex, national origin, or residence.

This bill would allow for that access regardless of sex, race, color, religion, ancestry, age, ethnic group identification, national origin, disability, sexual orientation, or residence.

(17) Existing law authorizes the Judicial Council to provide by rule of court for racial, ethnic, gender bias, and sexual harassment training for judges, commissioners, and referees.

This bill would further authorize the Judicial Council to provide by rule of court for training for judges, commissioners, and referees on any other bias based on race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(18) Existing law prohibits the provision of emergency services and care to be based upon, or affected by, a person's race, ethnicity, religion, national origin, citizenship, age, sex, preexisting medical condition, physical or mental handicap, insurance status, economic status, or ability to pay for medical services, except as specified, and requires every hospital to adopt that policy.

This bill would instead prohibit that discrimination if based upon ethnicity, citizenship, age, preexisting medical condition, insurance status, economic status, ability to pay for medical services, sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation, except as specified, and would require every hospital to adopt that policy.

(19) Existing law authorizes each county to apply to the State Department of Health Services for funds for the purposes of alleviating problems in its county related to alcohol and drug abuse. Existing law authorizes each county to administer and coordinate all county alcohol and other drug programs funded by the state. Existing law requires every county alcohol and drug program administrator to assure compliance with applicable laws relating to discrimination against any person because of race, creed, age, religion, sex, sexual preference, or disabling conditions.

This bill would instead require every county alcohol and drug program administrator to assure compliance with applicable laws relating to discrimination against any person because of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(20) Existing law prohibits state governmental entities and contractors from discriminating in the awarding of any contract or subcontract on the basis of race, color, sex, ethnic origin, or ancestry.

This bill would instead prohibit that discrimination on the basis of ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(21) Existing law governs contracts for state park system concessions, and prohibits discrimination by a concessionaire or his or her agents or employees against any person because of the race, color, religion, sex, marital status, national origin, or ancestry of that person.

This bill would conform those provisions to the Unruh Civil Rights Act, and would instead prohibit that discrimination if based upon sex, race, color, religion, ancestry, age, ethnic group identification, national origin, disability, medical condition, marital status, or sexual orientation.

(22) Existing law prohibits a public utility from charging a person different rates or deposit amounts because of that person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, occupation, sex, marital status, or change in marital status.

This bill would instead prohibit that discrimination if based upon occupation, sex, race, color, religion, ancestry, age, ethnic group identification, national origin, disability, medical condition, marital status, or sexual orientation.

(23) The Municipal Utility District Act prohibits a municipal utility district from discriminating in the awarding and performance of district contracts on the basis of race, color, sex, national origin, marital status, sexual preference, creed, ancestry, medical condition, or retaliation.

This bill would instead prohibit that discrimination if based upon marital status, ancestry, medical condition, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, disability, or retaliation.

(24) The Personal Income Tax Law and the Bank and Corporation Tax Law prohibit tax deductions based upon payments or expenditures made at a club that restricts membership or the use of its services or facilities on the basis of age, sex, race, religion, color, ancestry, or national origin.

This bill would instead prohibit those deductions if made at a club that discriminates on the basis of ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability. The bill would also delete an identical and duplicate provision as that described above.

(25) Existing law requires the state to contract with appropriate agencies to provide regional centers in the community for persons with developmental disabilities. Existing law prohibits those regional centers from conducting any meeting, conference, or other function in any facility that discriminates on the basis of race, religious creed, color, national origin, ancestry, sex, or disability.

This bill would further prohibit those centers from conducting any meeting, conference, or other function in any facility that discriminates on the basis of ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(26) Existing law requires any county that chooses to provide assisted outpatient treatment services to consider the cultural, linguistic, gender, age, and special needs of minorities in the target populations.

This bill would instead require those counties to consider the cultural, linguistic, and special needs based upon race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability in the target populations.

(27) Existing law requires the State Department of Mental Health to establish service standards that ensure that members of the target population are identified and that services are provided to assist those members. Existing law requires those individual personal service plans to ensure that members of the target population involved in the system of care receive age, gender, and culturally appropriate services, to the extent feasible.

This bill would instead require those service plans to ensure that members of the target population receive culturally appropriate services or appropriate services based upon race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, to the extent feasible.

(28) Existing law specifies that for the purposes of the Welfare and Institutions Code that aid shall be administered and services provided promptly and humanely, with due regard for the preservation of family life, and without discrimination on account of race, national origin or ancestry, religion, sex, marital status, or political affiliation.

This bill would instead specify that those services be provided without discrimination on account of ancestry, marital status, political affiliation, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(29) Existing law requires the State Department of Social Services to adopt regulations to govern county transitional housing placement



programs that provide supervised housing services to youth meeting specified criteria. Existing law requires the department to review the admission criteria to ensure that the criteria are sufficient to protect participants and that they do not discriminate on the basis of race, gender, sexual orientation, or disability.

This bill would instead require that the admission criteria do not discriminate on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(30) Existing law establishes a statewide program to enable specified recipients of aid and other low-income households to receive food stamps under the federal Food Stamp Program. Existing law provides that in the determination of eligibility for food stamps, there shall be no discrimination against any household by reason of race, color, religious creed, national origin, sex, marital status, or political belief, to the extent not in conflict with federal law.

This bill would instead prohibit that discrimination if based upon marital status, political belief, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, to the extent not in conflict with federal law.

(31) This bill would further provide that the changes made by specified provisions of the act are to be construed as illustrative, rather than restrictive.

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

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

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Civil Rights Act of 2007.
- 3 SEC. 2. Section 125.6 of the Business and Professions Code
- 4 is amended to read:
- 5 125.6. (a) (1) With regard to an applicant, every person who
- 6 holds a license under the provisions of this code is subject to
- 7 disciplinary action under the disciplinary provisions of this code
- 8 applicable to that person if, because of any characteristic listed or
- 9 defined in subdivision (b) or (e) of Section 51 of the Civil Code,
- 10 he or she refuses to perform the licensed activity or aids or incites
- 11 the refusal to perform that licensed activity by another licensee,
- 12 or if, because of any characteristic listed or defined in subdivision
- 13 (b) or (e) of Section 51 of the Civil Code, he or she makes any

1 discrimination, or restriction in the performance of the licensed  
2 activity.

3 (2) *Nothing in this section shall be interpreted to prevent a*  
4 *physician or health care professional licensed pursuant to Division*  
5 *2 (commencing with Section 500) from considering any of the*  
6 *characteristics of a patient listed in subdivision (b) or (e) of Section*  
7 *51 of the Civil Code if that consideration is medically necessary*  
8 *and for the sole purpose of determining the appropriate diagnosis*  
9 *or treatment of the patient.*

10 ~~Nothing~~

11 (3) *Nothing in this section shall be interpreted to apply to*  
12 *discrimination by employers with regard to employees or*  
13 *prospective employees, nor shall this section authorize action*  
14 *against any club license issued pursuant to Article 4 (commencing*  
15 *with Section 23425) of Chapter 3 of Division 9 because of*  
16 *discriminatory membership policy.* ~~The~~

17 (4) *The presence of architectural barriers to an individual with*  
18 *physical disabilities that conform to applicable state or local*  
19 *building codes and regulations shall not constitute discrimination*  
20 *under this section.*

21 (b) (1) *Nothing in this section requires a person licensed*  
22 *pursuant to Division 2 (commencing with Section 500) to permit*  
23 *an individual to participate in, or benefit from, the licensed activity*  
24 *of the licensee where that individual poses a direct threat to the*  
25 *health or safety of others. For this purpose, the term “direct threat”*  
26 *means a significant risk to the health or safety of others that cannot*  
27 *be eliminated by a modification of policies, practices, or procedures*  
28 *or by the provision of auxiliary aids and services.*

29 (2) *Nothing in this section requires a person licensed pursuant*  
30 *to Division 2 (commencing with Section 500) to perform a licensed*  
31 *activity for which he or she is not qualified to perform.*

32 (c) (1) *“Applicant,” as used in this section, means a person*  
33 *applying for licensed services provided by a person licensed under*  
34 *this code.*

35 (2) *“License,” as used in this section, includes “certificate,”*  
36 *“permit,” “authority,” and “registration” or any other indicia giving*  
37 *authorization to engage in a business or profession regulated by*  
38 *this code.*

39 SEC. 3. Section 16721 of the Business and Professions Code  
40 is amended to read:

1 16721. Recognizing that the California Constitution prohibits  
2 a person from being disqualified from entering or pursuing a  
3 business, profession, vocation, or employment because of sex,  
4 race, creed, color, or national or ethnic origin, and guarantees the  
5 free exercise and enjoyment of religion without discrimination or  
6 preference; and recognizing that these and other basic, fundamental  
7 constitutional principles are directly affected and denigrated by  
8 certain ongoing practices in the business and commercial world,  
9 it is necessary that provisions protecting and enhancing a person's  
10 right to enter or pursue business and to freely exercise and enjoy  
11 religion, consistent with law, be established.

12 (a) No person within the jurisdiction of this state shall be  
13 excluded from a business transaction on the basis of a policy  
14 expressed in any document or writing and imposed by a third party  
15 where that policy requires discrimination against that person on  
16 the basis of any characteristic listed or defined in subdivision (b)  
17 or (e) of Section 51 of the Civil Code or on the basis that the person  
18 conducts or has conducted business in a particular location.

19 (b) No person within the jurisdiction of this state shall require  
20 another person to be excluded, or be required to exclude another  
21 person, from a business transaction on the basis of a policy  
22 expressed in any document or writing that requires discrimination  
23 against that other person on the basis of any characteristic listed  
24 or defined in subdivision (b) or (e) of Section 51 of the Civil Code  
25 or on the basis that the person conducts or has conducted business  
26 in a particular location.

27 (c) Any violation of any provision of this section is a conspiracy  
28 against trade.

29 (d) Nothing in this section shall be construed to prohibit any  
30 person, on this basis of his or her individual ideology or  
31 preferences, from doing business or refusing to do business with  
32 any other person consistent with law.

33 SEC. 4. Section 16721.5 of the Business and Professions Code  
34 is amended to read:

35 16721.5. (a) It is an unlawful trust and an unlawful restraint  
36 of trade for any person to do the following:

37 (1) Grant or accept any letter of credit, or other document that  
38 evidences the transfer of funds or credit, or enter into any contract  
39 for the exchange of goods or services, where the letter of credit,  
40 contract, or other document contains any provision that requires

1 any person to discriminate against or to certify that he, she, or it  
2 has not dealt with any other person on the basis of any  
3 characteristic listed or defined in subdivision (b) or (e) of Section  
4 51 of the Civil Code, or on the basis of a person's lawful business  
5 associations.

6 (2) To refuse to grant or accept any letter of credit, or other  
7 document that evidences the transfer of funds or credit, or to refuse  
8 to enter into any contract for the exchange of goods or services,  
9 on the ground that it does not contain a discriminatory provision  
10 or certification.

11 (b) The provisions of this section shall not apply to any letter  
12 of credit, contract, or other document that contains any provision  
13 pertaining to a labor dispute or an unfair labor practice if the other  
14 provisions of that letter of credit, contract, or other document do  
15 not otherwise violate the provisions of this section.

16 (c) For purposes of this section, the prohibition against  
17 discrimination on the basis of a person's business associations  
18 shall be deemed not to include the requiring of association with  
19 particular employment or a particular group as a prerequisite to  
20 obtaining group rates or discounts on insurance, recreational  
21 activities, or other similar benefits.

22 (d) For purposes of this section, "person" shall include, but not  
23 be limited to, individuals, firms partnerships, associations,  
24 corporations, and governmental agencies.

25 SEC. 5. Section 19572 of the Business and Professions Code  
26 is amended to read:

27 19572. The board may, by rule, provide for the exclusion or  
28 ejection from any inclosure where horseraces are authorized, or  
29 from specified portions of that inclosure, of any known bookmaker,  
30 known tout, person who has been convicted of a violation of any  
31 provision of this chapter or of any law prohibiting bookmaking or  
32 any other illegal form of wagering on horseraces, or any other  
33 person whose presence in the inclosure would, in the opinion of  
34 the board, be inimical to the interests of the state or of legitimate  
35 horseracing, or both. No rule shall provide for the exclusion or  
36 ejection of any person on the ground of any characteristic listed  
37 or defined in subdivision (b) or (e) of Section 51 of the Civil Code.

38 SEC. 6. Section 23426.5 of the Business and Professions Code  
39 is amended to read:

1 23426.5. (a) For purposes of this article, “club” also means  
2 any tennis club that maintains not less than four regulation tennis  
3 courts, together with the necessary facilities and clubhouse, has  
4 members paying regular monthly dues, has been in existence for  
5 not less than 45 years, and is not associated with a common interest  
6 development as defined in Section 1351 of the Civil Code, a  
7 community apartment project as defined in Section 11004 of this  
8 code, a project consisting of condominiums as defined in Section  
9 783 of the Civil Code, or a mobilehome park as defined in Section  
10 18214 of the Health and Safety Code.

11 (b) It shall be unlawful for any club licensed pursuant to this  
12 section to make any discrimination, distinction, or restriction  
13 against any person on account of age or any characteristic listed  
14 or defined in subdivision (b) or (e) of Section 51 of the Civil Code.

15 SEC. 7. Section 23428.19 of the Business and Professions  
16 Code is amended to read:

17 23428.19. For purposes of this article, “club” also means any  
18 private club organized to play handball or racquetball, which owns,  
19 maintains, or operates a building containing not less than four  
20 regulation-size handball or racquetball courts, which has members,  
21 and the members each pay regular monthly dues. As used in this  
22 section, a “regulation-size handball or racquetball court” is a court  
23 meeting the standards for regulation courts as are promulgated by  
24 the United States Handball Association or an equivalent  
25 organization.

26 It shall be unlawful for any club licensed pursuant to this section  
27 to make any discrimination, distinction, or restriction against any  
28 person on account of any characteristic listed or defined in  
29 subdivision (b) or (e) of Section 51 of the Civil Code.

30 SEC. 8. Section 23428.28 of the Business and Professions  
31 Code is amended to read:

32 23428.28. For the purposes of this article, “club” also means  
33 any beach and athletic club that owns, maintains, or operates a  
34 standard Amateur Athletic Union (AAU) swimming pool together  
35 with the necessary facilities and clubhouse, has a minimum of 500  
36 members paying regular monthly dues, and has continuously  
37 operated for not less than one year.

38 No license shall be issued to any beach and athletic club  
39 qualifying as a club pursuant to this section if the beach and athletic  
40 club in any manner restricts membership or the use of its facilities

1 on the basis of age or any characteristic listed or defined in  
2 subdivision (b) or (e) of Section 51 of the Civil Code.

3 SEC. 9. Section 23438 of the Business and Professions Code  
4 is amended to read:

5 23438. (a) Any alcoholic beverage club licensee which restricts  
6 membership or the use of its services or facilities on the basis of  
7 ancestry or any characteristic listed or defined in Section 11135  
8 of the Government Code shall, when issuing a receipt for expenses  
9 which may otherwise be used by taxpayers for deduction purposes  
10 pursuant to Section 162(a) of the Internal Revenue Code, for  
11 purposes of the Personal Income Tax Law, or Section 24343 of  
12 the Revenue and Taxation Code, for purposes of the Bank and  
13 Corporation Tax Law, incorporate a printed statement on the receipt  
14 as follows:

15 “The expenditures covered by this receipt are nondeductible for  
16 state income tax purposes or franchise tax purposes.”

17 (b) For purposes of this section, the following terms have the  
18 following meanings:

19 (1) “Expenses” means expenses, as defined in Section 17269  
20 or 24343.2 of the Revenue and Taxation Code.

21 (2) “Club” means a club holding an alcoholic beverage license  
22 pursuant to the provisions of this division, except a club holding  
23 an alcoholic beverage license pursuant to Section 23425.

24 SEC. 10. Section 82 of the Civil Code is amended to read:

25 82. This part shall be liberally construed and applied to promote  
26 its underlying purposes and policies, which are as follows:

27 (a) The prohibition of discrimination based upon any  
28 characteristic listed or defined in subdivision (b) or (e) of Section  
29 51 in the granting, sale, transfer, bequest, termination, and  
30 nonrenewal of dealerships.

31 (b) The requirements of this part shall not be varied by contract  
32 or agreement and any portion of a contract or agreement purporting  
33 to do so is void and unenforceable.

34 SEC. 11. Section 83 of the Civil Code is amended to read:

35 83. On or after January 1, 1981, no grantor, directly or  
36 indirectly, shall refuse to grant a dealership to any person because  
37 of any characteristic listed or defined in subdivision (b) or (e) of  
38 Section 51.

39 SEC. 12. Section 84 of the Civil Code is amended to read:

1 84. On or after January 1, 1981, no grantor, directly or  
2 indirectly, may terminate, cancel, or refuse to renew a dealership  
3 agreement with a dealer because of any characteristic listed or  
4 defined in subdivision (b) or (e) of Section 51.

5 SEC. 13. Section 85 of the Civil Code is amended to read:

6 85. On or after January 1, 1981, no grantor or dealer, directly  
7 or indirectly, shall refuse to make or to consent to an assignment,  
8 sale, transfer, or bequest of a dealership to any person, or to the  
9 intestate succession to the dealership by any person, because of  
10 any characteristic listed or defined in subdivision (b) or (e) of  
11 Section 51. This section shall not be construed to create any right  
12 in a dealer to assign, sell, transfer, or bequeath a dealership where  
13 the right did not exist prior to January 1, 1981.

14 SEC. 14. Section 1747.80 of the Civil Code is amended to  
15 read:

16 1747.80. (a) No card issuer shall refuse to issue a credit card  
17 to any person solely because of any characteristic listed or defined  
18 in subdivision (b) or (e) of Section 51.

19 (b) Any card issuer who willfully violates this section is liable  
20 for each and every offense for the actual damages, and two hundred  
21 fifty dollars (\$250) in addition thereto, suffered by any person  
22 denied a credit card solely for the reasons set forth in subdivision  
23 (a). In addition, that person may petition the court to order the card  
24 issuer to issue him or her a credit card upon the terms, conditions,  
25 and standards as the card issuer normally utilizes in granting credit  
26 to other individuals.

27 SEC. 15. Section 204 of the Code of Civil Procedure is  
28 amended to read:

29 204. (a) No eligible person shall be exempt from service as a  
30 trial juror by reason of occupation, economic status, or any  
31 characteristic listed or defined in Section 11135 of the Government  
32 Code, or for any other reason. No person shall be excused from  
33 service as a trial juror except as specified in subdivision (b).

34 (b) An eligible person may be excused from jury service only  
35 for undue hardship, upon themselves or upon the public, as defined  
36 by the Judicial Council.

37 SEC. 16. Section 425.15 of the Code of Civil Procedure is  
38 amended to read:

39 425.15. (a) No cause of action against a person serving without  
40 compensation as a director or officer of a nonprofit corporation

1 described in this section, on account of any negligent act or  
2 omission by that person within the scope of that person's duties  
3 as a director acting in the capacity of a board member, or as an  
4 officer acting in the capacity of, and within the scope of the duties  
5 of, an officer, shall be included in a complaint or other pleading  
6 unless the court enters an order allowing the pleading that includes  
7 that claim to be filed after the court determines that the party  
8 seeking to file the pleading has established evidence that  
9 substantiates the claim. The court may allow the filing of a pleading  
10 that includes that claim following the filing of a verified petition  
11 therefor accompanied by the proposed pleading and supporting  
12 affidavits stating the facts upon which the liability is based. The  
13 court shall order service of the petition upon the party against  
14 whom the action is proposed to be filed and permit that party to  
15 submit opposing affidavits prior to making its determination. The  
16 filing of the petition, proposed pleading, and accompanying  
17 affidavits shall toll the running of any applicable statute of  
18 limitations until the final determination of the matter, which ruling,  
19 if favorable to the petitioning party, shall permit the proposed  
20 pleading to be filed.

21 (b) Nothing in this section shall affect the right of the plaintiff  
22 to discover evidence on the issue of damages.

23 (c) Nothing in this section shall be construed to affect any action  
24 against a nonprofit corporation for any negligent action or omission  
25 of a volunteer director or officer occurring within the scope of the  
26 person's duties.

27 (d) For the purposes of this section, "compensation" means  
28 remuneration whether by way of salary, fee, or other consideration  
29 for services rendered. However, the payment of per diem, mileage,  
30 or other reimbursement expenses to a director or officer shall not  
31 constitute compensation.

32 (e) (1) This section applies only to officers and directors of  
33 nonprofit corporations that are subject to Part 2 (commencing with  
34 Section 5110), Part 3 (commencing with Section 7110), or Part 4  
35 (commencing with Section 9110) of Division 2 of Title 1 of the  
36 Corporations Code that are organized to provide charitable,  
37 educational, scientific, social, or other forms of public service and  
38 that are exempt from federal income taxation under Section  
39 501(c)(1), except any credit union, or Section 501(c)(4), 501(c)(5),  
40 501(c)(7), or 501(c)(19) of the Internal Revenue Code.



1 (2) This section does not apply to any corporation that  
2 unlawfully restricts membership, services, or benefits conferred  
3 on the basis of political affiliation, age, or any characteristic listed  
4 or defined in subdivision (b) or (e) of Section 51 of the Civil Code.

5 SEC. 17. Section 5047.5 of the Corporations Code is amended  
6 to read:

7 5047.5. (a) The Legislature finds and declares that the services  
8 of directors and officers of nonprofit corporations who serve  
9 without compensation are critical to the efficient conduct and  
10 management of the public service and charitable affairs of the  
11 people of California. The willingness of volunteers to offer their  
12 services has been deterred by a perception that their personal assets  
13 are at risk for these activities. The unavailability and unaffordability  
14 of appropriate liability insurance makes it difficult for these  
15 corporations to protect the personal assets of their volunteer  
16 decisionmakers with adequate insurance. It is the public policy of  
17 this state to provide incentive and protection to the individuals  
18 who perform these important functions.

19 (b) Except as provided in this section, no cause of action for  
20 monetary damages shall arise against any person serving without  
21 compensation as a director or officer of a nonprofit corporation  
22 subject to Part 2 (commencing with Section 5110), Part 3  
23 (commencing with Section 7110), or Part 4 (commencing with  
24 Section 9110) of this division on account of any negligent act or  
25 omission occurring (1) within the scope of that person's duties as  
26 a director acting as a board member, or within the scope of that  
27 person's duties as an officer acting in an official capacity; (2) in  
28 good faith; (3) in a manner that the person believes to be in the  
29 best interest of the corporation; and (4) is in the exercise of his or  
30 her policymaking judgment.

31 (c) This section shall not limit the liability of a director or officer  
32 for any of the following:

33 (1) Self-dealing transactions, as described in Sections 5233 and  
34 9243.

35 (2) Conflicts of interest, as described in Section 7233.

36 (3) Actions described in Sections 5237, 7236, and 9245.

37 (4) In the case of a charitable trust, an action or proceeding  
38 against a trustee brought by a beneficiary of that trust.

39 (5) Any action or proceeding brought by the Attorney General.

1 (6) Intentional, wanton, or reckless acts, gross negligence, or  
2 an action based on fraud, oppression, or malice.

3 (7) Any action brought under Chapter 2 (commencing with  
4 Section 16700) of Part 2 of Division 7 of the Business and  
5 Professions Code.

6 (d) This section only applies to nonprofit corporations organized  
7 to provide religious, charitable, literary, educational, scientific,  
8 social, or other forms of public service that are exempt from federal  
9 income taxation under Section 501(c)(3) or 501(c)(6) of the Internal  
10 Revenue Code.

11 (e) This section applies only if the nonprofit corporation  
12 maintains a general liability insurance policy with an amount of  
13 coverage of at least the following amounts:

14 (1) If the corporation's annual budget is less than fifty thousand  
15 dollars (\$50,000), the minimum required amount is five hundred  
16 thousand dollars (\$500,000).

17 (2) If the corporation's annual budget equals or exceeds fifty  
18 thousand dollars (\$50,000), the minimum required amount is one  
19 million dollars (\$1,000,000).

20 This section applies only if the claim against the director or  
21 officer may also be made directly against the corporation and a  
22 general liability insurance policy is in force both at the time of  
23 injury and at the time the claim against the corporation is made,  
24 so that a policy is applicable to the claim. If a general liability  
25 policy is found to cover the damages caused by the director or  
26 officer, no cause of action as provided in this section shall be  
27 maintained against the director or officer.

28 (f) For the purposes of this section, the payment of actual  
29 expenses incurred in attending meetings or otherwise in the  
30 execution of the duties of a director or officer shall not constitute  
31 compensation.

32 (g) Nothing in this section shall be construed to limit the liability  
33 of a nonprofit corporation for any negligent act or omission of a  
34 director, officer, employee, agent, or servant occurring within the  
35 scope of his or her duties.

36 (h) This section does not apply to any corporation that  
37 unlawfully restricts membership, services, or benefits conferred  
38 on the basis of political affiliation, age, or any characteristic listed  
39 or defined in subdivision (b) or (e) of Section 51 of the Civil Code.

1 (i) This section does not apply to any volunteer director or  
2 officer who receives compensation from the corporation in any  
3 other capacity, including, but not limited to, as an employee.

4 SEC. 18. Section 24001.5 of the Corporations Code is amended  
5 to read:

6 24001.5. (a) The Legislature finds and declares that the  
7 services of directors or officers of nonprofit medical associations,  
8 as defined in Section 21200, who serve without compensation are  
9 critical to the efficient conduct and management of the public  
10 service and charitable affairs of the people of California. The  
11 willingness of volunteers to offer their services has been deterred  
12 by a perception that their personal assets are at risk for these  
13 activities. The unavailability and unaffordability of appropriate  
14 liability insurance makes it difficult for these associations to protect  
15 the personal assets of their volunteer decisionmakers with adequate  
16 insurance. It is the public policy of this state to provide incentive  
17 and protection to the individuals who perform these important  
18 functions.

19 (b) Except as provided in this section, no cause of action for  
20 monetary damages shall arise against any person serving without  
21 compensation as a director or officer of a nonprofit medical  
22 association, as defined in Section 21200, on account of any  
23 negligent act or omission occurring (1) within the scope of that  
24 person's duties as a director acting as a board member, or within  
25 the scope of that person's duties as an officer acting in an official  
26 capacity; (2) in good faith; (3) in a manner that the person believes  
27 to be in the best interest of the association; and (4) is in the exercise  
28 of his or her policymaking judgment.

29 (c) This section shall not limit the liability of a director or officer  
30 for any of the following:

31 (1) Self-dealing transactions, as described in Sections 5233 and  
32 9243.

33 (2) Conflicts of interest, as described in Section 7233.

34 (3) Actions described in Sections 5237, 7236, and 9245.

35 (4) In the case of a charitable trust, an action or proceeding  
36 against a trustee brought by a beneficiary of that trust.

37 (5) Any action or proceeding brought by the Attorney General.

38 (6) Intentional, wanton, or reckless acts, gross negligence, or  
39 an action based on fraud, oppression, or malice.

1 (7) Any action brought under Chapter 2 (commencing with  
2 Section 16700) of Part 2 of Division 7 of the Business and  
3 Professions Code.

4 (d) This section only applies to nonprofit organizations  
5 organized to provide charitable, educational, scientific, social, or  
6 other forms of public service that are exempt from federal income  
7 taxation under Section 501(c)(3) or 501(c)(6) of the Internal  
8 Revenue Code.

9 (e) This section applies only if the nonprofit association  
10 maintains a general liability insurance policy with an amount of  
11 coverage of at least the following amounts:

12 (1) If the association's annual budget is less than fifty thousand  
13 dollars (\$50,000), the minimum required amount is five hundred  
14 thousand dollars (\$500,000).

15 (2) If the association's annual budget equals or exceeds fifty  
16 thousand dollars (\$50,000), the minimum required amount is one  
17 million dollars (\$1,000,000).

18 This section applies only if the general liability insurance policy  
19 is in force both at the time of injury and at the time that the claim  
20 is made, so that the policy is applicable to the claim.

21 (f) For the purposes of this section, the payment of actual  
22 expenses incurred in attending meetings or otherwise in the  
23 execution of the duties of a director or officer shall not constitute  
24 compensation.

25 (g) Nothing in this section shall be construed to limit the liability  
26 of a nonprofit association for any negligent act or omission of a  
27 director, officer, employee, agent, or servant occurring within the  
28 scope of his or her duties.

29 (h) This section does not apply to any association that unlawfully  
30 restricts membership, services, or benefits conferred on the basis  
31 of political affiliation, age, or any characteristic listed or defined  
32 in subdivision (b) or (e) of Section 51 of the Civil Code.

33 (i) This section does not apply to any volunteer director or  
34 officer who receives compensation from the association in any  
35 other capacity, including, but not limited to, as an employee.

36 SEC. 19. Section 66030 of the Education Code is amended to  
37 read:

38 66030. (a) It is the intent of the Legislature that public higher  
39 education in California strive to provide educationally equitable  
40 environments that give each Californian, regardless of age,

1 economic circumstance, or any other characteristic listed or defined  
2 in Section 11135 of the Government Code, a reasonable  
3 opportunity to develop fully his or her potential.

4 (b) It is the responsibility of the governing boards of institutions  
5 of higher education to ensure and maintain multicultural learning  
6 environments free from all forms of discrimination and harassment,  
7 in accordance with state and federal law.

8 SEC. 20. Section 66251 of the Education Code is amended to  
9 read:

10 66251. It is the policy of the State of California to afford all  
11 persons, regardless of any characteristic listed or defined in Section  
12 11135 of the Government Code or any basis that is contained in  
13 the prohibition of hate crimes set forth in subdivision (a) of Section  
14 422.6 of the Penal Code, equal rights and opportunities in the  
15 postsecondary institutions of the state. The purpose of this chapter  
16 is to prohibit acts that are contrary to that policy and to provide  
17 remedies therefor.

18 SEC. 21. Section 66270 of the Education Code is amended to  
19 read:

20 66270. No person shall be subjected to discrimination on the  
21 basis of any characteristic listed or defined in Section 11135 of  
22 the Government Code or any basis that is contained in the  
23 prohibition of hate crimes set forth in subdivision (a) of Section  
24 422.6 of the Penal Code in any program or activity conducted by  
25 any postsecondary educational institution that receives, or benefits  
26 from, state financial assistance or enrolls students who receive  
27 state student financial aid.

28 SEC. 22. Section 66292 of the Education Code is amended to  
29 read:

30 66292. (a) The governing board of a community college district  
31 shall have the primary responsibility for ensuring that community  
32 college district programs and activities are free from discrimination  
33 based on any characteristic listed or defined in Section 11135 of  
34 the Government Code.

35 (b) The Chancellor's office of the California Community  
36 Colleges shall have responsibility for monitoring the compliance  
37 of each district with any and all regulations adopted pursuant to  
38 Section 11138 of the Government Code.

39 SEC. 23. Section 66292.1 of the Education Code is amended  
40 to read:

1     66292.1. The Chancellor of the California State University and  
2 the president of each California State University campus shall have  
3 the primary responsibility for ensuring that campus programs and  
4 activities are free from discrimination based on any characteristic  
5 listed or defined in Section 11135 of the Government Code.

6     SEC. 24. Section 66292.2 of the Education Code is amended  
7 to read:

8     66292.2. The President of the University of California and the  
9 chancellor of each University of California campus shall have  
10 primary responsibility for ensuring that campus programs and  
11 activities are free from discrimination based on any characteristic  
12 listed or defined in Section 11135 of the Government Code.

13     SEC. 25. Section 69535 of the Education Code is amended to  
14 read:

15     69535. (a) Cal Grant Program awards shall be based upon the  
16 financial need of the applicant. The level of financial need of each  
17 applicant shall be determined by the commission pursuant to  
18 Article 1.5 (commencing with Section 69503).

19     (b) For the applicants so qualifying, academic criteria or criteria  
20 related to past performances shall be utilized as the criteria in  
21 determining eligibility for grants.

22     (c) All Cal Grant Program award recipients shall be residents  
23 of California, as determined by the commission pursuant to Part  
24 41 (commencing with Section 68000), and shall remain eligible  
25 only if they are in attendance and making satisfactory progress  
26 through the instructional programs, as determined by the  
27 commission.

28     (d) Part-time students shall not be discriminated against in the  
29 selection of Cal Grant Program award recipients, and awards to  
30 part-time students shall be roughly proportional to the time spent  
31 in the instructional program, as determined by the commission.  
32 First-time Cal Grant Program award recipients who are part-time  
33 students shall be eligible for a full-time renewal award.

34     (e) Cal Grant Program awards shall be awarded without regard  
35 to any characteristic listed or defined in Section 11135 of the  
36 Government Code.

37     (f) No applicant shall receive more than one type of Cal Grant  
38 Program award concurrently. Except as provided in subdivisions  
39 (b) and (c) of Section 69535.1, no applicant shall:

1 (1) Receive one or a combination of Cal Grant Program awards  
2 in excess of a total of four years of full-time attendance in an  
3 undergraduate program.

4 (2) Have obtained a baccalaureate degree prior to receiving a  
5 Cal Grant Program award, except as provided in Section 69540.

6 (g) Cal Grant Program awards, except as provided in subdivision  
7 (c) of Section 69535.1, may only be used for educational expenses  
8 of a program of study leading directly to an undergraduate degree  
9 or certificate, or for expenses of undergraduate coursework in a  
10 program of study leading directly to a first professional degree,  
11 but for which no baccalaureate degree is awarded.

12 (h) Commencing in 1999, the commission shall, for students  
13 who accelerate college attendance, increase the amount of award  
14 proportional to the period of additional attendance resulting from  
15 attendance in classes that fulfill requirements or electives for  
16 graduation during summer terms, sessions, or quarters. In the  
17 aggregate, the total amount a student may receive in a four-year  
18 period may not be increased as a result of accelerating his or her  
19 progress to a degree by attending summer terms, sessions, or  
20 quarters.

21 (i) The commission shall notify Cal Grant award recipients of  
22 the availability of funding for the summer term, session, or quarter  
23 through prominent notice in financial aid award letters, materials,  
24 guides, electronic information, and other means that may include,  
25 but not be limited to, surveys, newspaper articles, or attachments  
26 to communications from the commission and any other published  
27 documents.

28 (j) The commission may provide by appropriate rules and  
29 regulations for reports, accounting, and statements from the award  
30 winner and college or university of attendance pertaining to the  
31 use or application of the award as the commission may deem  
32 proper.

33 (k) The commission may establish Cal Grant Program awards  
34 in one hundred dollar (\$100) increments.

35 (l) A Cal Grant Program award may be utilized only at the  
36 following institutions or programs:

37 (1) Any California private or independent postsecondary  
38 educational institution or program that participates in two of the  
39 three federal campus-based student aid programs and whose  
40 students participate in the Pell Grant program.

1 (2) Any nonprofit regionally accredited institution headquartered  
2 and operating in California that certifies to the commission that  
3 10 percent of the institution’s operating budget, as demonstrated  
4 in an audited financial statement, is expended for the purposes of  
5 institutionally funded student financial aid in the form of grants  
6 and that demonstrates to the commission that it has the  
7 administrative capacity to administer the funds.

8 (3) Any California public postsecondary educational institution  
9 or program.

10 SEC. 26. Section 72011 of the Education Code is amended to  
11 read:

12 72011. Every community college district shall provide access  
13 to its services, classes, and programs without regard to ancestry  
14 or any characteristic listed or defined in Section 11135 of the  
15 Government Code.

16 SEC. 27. Section 72014 of the Education Code is amended to  
17 read:

18 72014. No funds under the control of a community college  
19 district shall ever be used for membership or for any participation  
20 involving a financial payment or contribution, on behalf of the  
21 district or any individual employed by or associated therewith, in  
22 any private organization whose membership practices are  
23 discriminatory on the basis of any characteristic listed or defined  
24 in Section 11135 of the Government Code. This section does not  
25 apply to any public funds which have been paid to an individual  
26 officer or employee of the district as salary, or to any funds which  
27 are used directly or indirectly for the benefit of student  
28 organizations.

29 SEC. 28. Section 89757 of the Education Code is amended to  
30 read:

31 89757. None of the funds enumerated in Section 89756, nor  
32 any of the funds of an auxiliary organization, shall ever be used  
33 by any university or college for membership or for any participation  
34 involving a financial payment or contribution, on behalf of the  
35 institution, or any individual employed by or associated therewith,  
36 in any private organization whose membership practices are  
37 discriminatory on the basis of any characteristic listed or defined  
38 in Section 11135 of the Government Code. This section does not  
39 apply to any public funds which have been paid to an individual



1 employee or officer as salary, or to any funds which are used  
2 directly or indirectly for the benefit of student organizations.

3 SEC. 29. Section 92150 of the Education Code is amended to  
4 read:

5 92150. No state funds under the control of an officer or  
6 employee of the University of California shall ever be used for  
7 membership or for any participation involving a financial payment  
8 or contribution, on behalf of the university, or any individual  
9 employed by or associated therewith, in any private organization  
10 whose membership practices are discriminatory on the basis of  
11 any characteristic listed or defined in Section 11135 of the  
12 Government Code. This section does not apply to any public funds  
13 which have been paid to an individual employee or officer of the  
14 university as salary, or to any funds which are used directly or  
15 indirectly for the benefit of student organizations.

16 SEC. 30. Section 2110 of the Elections Code is amended to  
17 read:

18 2110. No county elections official may refuse to depute any  
19 person to register voters because of ancestry, marital status,  
20 political affiliation, or any characteristic listed or defined in Section  
21 11135 of the Government Code.

22 SEC. 31. Section 11015 of the Government Code is amended  
23 to read:

24 11015. No state funds under the control of an officer or  
25 employee of the state, or of any agency thereof, shall ever be used  
26 for membership or for any participation involving a financial  
27 payment or contribution, on behalf of the state agency, or any  
28 individual employed by or associated therewith, in any private  
29 organization whose membership practices are discriminatory on  
30 the basis of any characteristic listed or defined in Section 11135.  
31 This section does not apply to any public funds which have been  
32 paid to an individual employee or officer as salary.

33 SEC. 32. Section 11131 of the Government Code is amended  
34 to read:

35 11131. No state agency shall conduct any meeting, conference,  
36 or other function in any facility that prohibits the admittance of  
37 any person, or persons, on the basis of ancestry or any characteristic  
38 listed or defined in Section 11135, or that is inaccessible to disabled  
39 persons, or where members of the public may not be present  
40 without making a payment or purchase. As used in this section,

1 “state agency” means and includes every state body, office, officer,  
2 department, division, bureau, board, council, commission, or other  
3 state agency.

4 SEC. 33. Section 54091 of the Government Code is amended  
5 to read:

6 54091. Any city, county, or other local agency that owns,  
7 operates, or controls any public beach shall allow the use of that  
8 public beach by all persons regardless of ancestry, residence, or  
9 any characteristic listed or defined in Section 11135. Nonresidents  
10 of the city, county, or other local agency shall be permitted to use  
11 that public beach upon the same terms and conditions as are  
12 residents of the city, county, or local agency.

13 SEC. 34. Section 54092 of the Government Code is amended  
14 to read:

15 54092. Any city, county, or other local agency that allows any  
16 property owned, operated, or controlled by it to be used as a means  
17 of access to any public beach shall allow free access over that  
18 property to all persons regardless of ancestry, residence, or any  
19 characteristic listed or defined in Section 11135.

20 SEC. 35. Section 54961 of the Government Code is amended  
21 to read:

22 54961. (a) No legislative body of a local agency shall conduct  
23 any meeting in any facility that prohibits the admittance of any  
24 person, or persons, on the basis of ancestry or any characteristic  
25 listed or defined in Section 11135, or which is inaccessible to  
26 disabled persons, or where members of the public may not be  
27 present without making a payment or purchase. This section shall  
28 apply to every local agency as defined in Section 54951.

29 (b) No notice, agenda, announcement, or report required under  
30 this chapter need identify any victim or alleged victim of tortious  
31 sexual conduct or child abuse unless the identity of the person has  
32 been publicly disclosed.

33 SEC. 36. Section 68088 of the Government Code is amended  
34 to read:

35 68088. The Judicial Council may provide by rule of court for  
36 racial, ethnic, and gender bias, and sexual harassment training and  
37 training for any other bias based on any characteristic listed or  
38 defined in Section 11135 for judges, commissioners, and referees.

39 SEC. 37. Section 1317 of the Health and Safety Code is  
40 amended to read:

1 1317. (a) Emergency services and care shall be provided to  
2 any person requesting the services or care, or for whom services  
3 or care is requested, for any condition in which the person is in  
4 danger of loss of life, or serious injury or illness, at any health  
5 facility licensed under this chapter that maintains and operates an  
6 emergency department to provide emergency services to the public  
7 when the health facility has appropriate facilities and qualified  
8 personnel available to provide the services or care.

9 (b) In no event shall the provision of emergency services and  
10 care be based upon, or affected by, the person's ethnicity,  
11 citizenship, age, preexisting medical condition, insurance status,  
12 economic status, ability to pay for medical services, or any other  
13 characteristic listed or defined in subdivision (b) or (e) of Section  
14 51 of the Civil Code, except to the extent that a circumstance such  
15 as age, sex, preexisting medical condition, or physical or mental  
16 disability is medically significant to the provision of appropriate  
17 medical care to the patient.

18 (c) Neither the health facility, its employees, nor any physician  
19 and surgeon, dentist, clinical psychologist, or podiatrist shall be  
20 liable in any action arising out of a refusal to render emergency  
21 services or care if the refusal is based on the determination,  
22 exercising reasonable care, that the person is not suffering from  
23 an emergency medical condition, or that the health facility does  
24 not have the appropriate facilities or qualified personnel available  
25 to render those services.

26 (d) Emergency services and care shall be rendered without first  
27 questioning the patient or any other person as to his or her ability  
28 to pay therefor. However, the patient or his or her legally  
29 responsible relative or guardian shall execute an agreement to pay  
30 therefor or otherwise supply insurance or credit information  
31 promptly after the services are rendered.

32 (e) If a health facility subject to this chapter does not maintain  
33 an emergency department, its employees shall nevertheless exercise  
34 reasonable care to determine whether an emergency exists and  
35 shall direct the persons seeking emergency care to a nearby facility  
36 that can render the needed services, and shall assist the persons  
37 seeking emergency care in obtaining the services, including  
38 transportation services, in every way reasonable under the  
39 circumstances.

1 (f) No act or omission of any rescue team established by any  
2 health facility licensed under this chapter, or operated by the federal  
3 or state government, a county, or by the Regents of the University  
4 of California, done or omitted while attempting to resuscitate any  
5 person who is in immediate danger of loss of life shall impose any  
6 liability upon the health facility, the officers, members of the staff,  
7 nurses, or employees of the health facility, including, but not  
8 limited to, the members of the rescue team, or upon the federal or  
9 state government or a county, if good faith is exercised.

10 (g) “Rescue team,” as used in this section, means a special group  
11 of physicians and surgeons, nurses, and employees of a health  
12 facility who have been trained in cardiopulmonary resuscitation  
13 and have been designated by the health facility to attempt, in cases  
14 of emergency, to resuscitate persons who are in immediate danger  
15 of loss of life.

16 (h) This section shall not relieve a health facility of any duty  
17 otherwise imposed by law upon the health facility for the  
18 designation and training of members of a rescue team or for the  
19 provision or maintenance of equipment to be used by a rescue  
20 team.

21 SEC. 38. Section 1317.3 of the Health and Safety Code is  
22 amended to read:

23 1317.3. (a) As a condition of licensure, each hospital shall  
24 adopt, in consultation with the medical staff, policies and transfer  
25 protocols consistent with this article and regulations adopted  
26 hereunder.

27 (b) As a condition of licensure, each hospital shall adopt a policy  
28 prohibiting discrimination in the provision of emergency services  
29 and care based on ethnicity, citizenship, age, preexisting medical  
30 condition, insurance status, economic status, ability to pay for  
31 medical services, or any characteristic listed or defined in  
32 subdivision (b) or (e) of Section 51 of the Civil Code, except to  
33 the extent that a circumstance such as age, sex, preexisting medical  
34 condition, or physical or mental disability is medically significant  
35 to the provision of appropriate medical care to the patient. Transfer  
36 by a hospital of a patient who requires evaluation for involuntary  
37 psychiatric treatment, as determined by the receiving hospital or  
38 other receiving health facility, based upon the decision of a  
39 professional person duly authorized by law to make that decision,  
40 shall not constitute discrimination for the purposes of this section,

1 if the transferring hospital has not been designated as an evaluation  
2 facility by a county pursuant to Section 5150 of the Welfare and  
3 Institutions Code, and if the transfer is in compliance with Section  
4 1317.2.

5 (c) As a condition of licensure, each hospital shall require that  
6 physicians and surgeons who serve on an “on-call” basis to the  
7 hospital’s emergency room cannot refuse to respond to a call on  
8 the basis of the patient’s ethnicity, citizenship, age, preexisting  
9 medical condition, insurance status, economic status, ability to  
10 pay for medical services, or any characteristic listed or defined in  
11 subdivision (b) or (e) of Section 51 of the Civil Code, except to  
12 the extent that a circumstance such as age, sex, preexisting medical  
13 condition, or physical or mental disability is medically significant  
14 to the provision of appropriate medical care to the patient. If a  
15 contract between a physician and surgeon and hospital for the  
16 provision of emergency room coverage presently prevents the  
17 hospital from imposing those conditions, the conditions shall be  
18 included in the contract as soon as is legally permissible. Nothing  
19 in this section shall be construed as requiring that any physician  
20 serve on an “on-call” basis.

21 (d) As a condition of licensure, all hospitals shall inform all  
22 persons presented to an emergency room or their representatives  
23 if any are present and the person is unable to understand verbal or  
24 written communication, both orally and in writing, of the reasons  
25 for the transfer or refusal to provide emergency services and care  
26 and of the person’s right to emergency services and care prior to  
27 transfer or discharge without regard to ability to pay. Nothing in  
28 this subdivision requires notification of the reasons for the transfer  
29 in advance of the transfer where a person is unaccompanied and  
30 the hospital has made a reasonable effort to locate a representative,  
31 and because of the person’s physical or mental condition,  
32 notification is not possible. All hospitals shall prominently post a  
33 sign in their emergency rooms informing the public of their rights.  
34 Both the posted sign and written communication concerning the  
35 transfer or refusal to provide emergency services and care shall  
36 give the address of the department as the government agency to  
37 contact in the event the person wishes to complain about the  
38 hospital’s conduct.

39 (e) If a hospital does not timely adopt the policies and protocols  
40 required in this article, the hospital, in addition to denial or

1 revocation of any of its licenses, shall be subject to a fine not to  
2 exceed one thousand dollars (\$1,000) each day after expiration of  
3 60 days' written notice from the state department that the hospital's  
4 policies or protocols required by this article are inadequate unless  
5 the delay is excused by the state department upon a showing of  
6 good and sufficient cause by the hospital. The notice shall include  
7 a detailed statement of the state department's reasons for its  
8 determination and suggested changes to the hospital's protocols  
9 which would be acceptable to the state department.

10 (f) Each hospital's policies and protocols required in or under  
11 this article shall be submitted for approval to the state department  
12 by December 31, 1988.

13 SEC. 39. Section 11801 of the Health and Safety Code is  
14 amended to read:

15 11801. The alcohol and drug program administrator, acting  
16 through administrative channels designated pursuant to Section  
17 11795, shall do all of the following:

18 (a) Coordinate and be responsible for the planning process,  
19 including preparation of the county plan executing the negotiated  
20 net amount contract, and Drug Medi-Cal contract, whichever is  
21 applicable.

22 (b) (1) Recommend to the board of supervisors the provision  
23 of services, establishment of facilities, contracting for services or  
24 facilities, and other matters necessary or desirable in accomplishing  
25 the purposes of this part.

26 (2) Exercise general supervision over the alcohol and other drug  
27 program services provided under the county plan, negotiated net  
28 amount contract, and Drug Medi-Cal contract, whichever is  
29 applicable.

30 (c) Assure compliance with applicable laws relating to  
31 discrimination against any person because of any characteristic  
32 listed or defined in Section 11135 of the Government Code.

33 (d) (1) Provide reports and information periodically to the  
34 advisory board regarding the status of alcohol and other drug  
35 programs in the county and keep the advisory board informed  
36 regarding changes in relevant state, federal, and local laws or  
37 regulations or improvements in program design and services that  
38 may affect the county alcohol and other drug program.

39 (2) Submit an annual report to the board of supervisors reporting  
40 all activities of the alcohol and other drug program, including a

1 financial accounting of expenditures and a forecast of anticipated  
2 needs for the upcoming year.

3 (e) Be directly responsible for the administration of all alcohol  
4 or other drug program funds allocated to the county under this  
5 part, administration of county operated programs, and coordination  
6 and monitoring of programs that have contracts with the county  
7 to provide alcohol and other drug services.

8 (f) Encourage the appropriate utilization of all other public and  
9 private alcohol and other drug programs and services in the county  
10 in coordination with the programs funded pursuant to this part.

11 (g) Coordinate the activities of the county alcohol and other  
12 drug program with appropriate health planning agencies pursuant  
13 to Chapter 5 (commencing with Section 11820).

14 (h) Assure the evaluation of alcohol and other drug programs,  
15 including the collection of appropriate and necessary information,  
16 pursuant to Chapter 6 (commencing with Section 11825).

17 (i) Participate in the process to assure program quality in  
18 compliance with appropriate standards pursuant to Chapter 7  
19 (commencing with Section 11830).

20 (j) Participate in the regulations process pursuant to Chapter 8  
21 (commencing with Section 11835).

22 (k) Participate and represent the county in meetings of the  
23 County Alcohol and Drug Program Administrators Association of  
24 California pursuant to Section 11811.5 for the purposes of  
25 representing the counties in their relationship with the state with  
26 respect to policies, standards, and administration for alcohol and  
27 other drug abuse services.

28 (l) Provide for the orientation of the members of the advisory  
29 board, including, but not limited to, the provision of information  
30 and materials on alcohol and other drug problems and programs,  
31 planning, procedures, and site visits to local programs.

32 (m) Perform any other acts that may be necessary, desirable, or  
33 proper to carry out the purposes of this part.

34 SEC. 40. Section 10115.7 of the Public Contract Code is  
35 amended to read:

36 10115.7. (a) Nothing in this article shall be construed to  
37 authorize any awarding department to discriminate in the awarding  
38 of any contract on the basis of ancestry or any characteristic listed  
39 or defined in Section 11135 of the Government Code.

1 (b) Nothing in this article shall be construed to authorize any  
2 contractor to discriminate in the solicitation or acceptance of bids  
3 for subcontracting, or for materials or equipment, on the basis of  
4 ancestry or any characteristic listed or defined in Section 11135  
5 of the Government Code.

6 SEC. 41. Section 5080.18 of the Public Resources Code is  
7 amended to read:

8 5080.18. All concession contracts entered into pursuant to this  
9 article shall contain, but are not limited to, all of the following  
10 provisions:

11 (a) The maximum term shall be 10 years, except that a term of  
12 more than 10 years may be provided if the director determines that  
13 the longer term is necessary to allow the concessionaire to amortize  
14 improvements made by the concessionaire, to facilitate the full  
15 utilization of a structure that is scheduled by the department for  
16 replacement or redevelopment, or to serve the best interests of the  
17 state. The term shall not exceed 20 years without specific  
18 authorization by statute.

19 (b) Every concessionaire shall submit to the department all sales  
20 and use tax returns.

21 (c) Every concession shall be subject to audit by the department.

22 (d) A performance bond shall be obtained and maintained by  
23 the concessionaire. In lieu of a bond, the concessionaire may  
24 substitute a deposit of funds acceptable to the department. Interest  
25 on the deposit shall accrue to the concessionaire.

26 (e) The concessionaire shall obtain and maintain in force at all  
27 times a policy of liability insurance in an amount adequate for the  
28 nature and extent of public usage of the concession and naming  
29 the state as an additional insured.

30 (f) Any discrimination by the concessionaire or his or her agents  
31 or employees against any person because of the marital status or  
32 ancestry of that person or any characteristic listed or defined in  
33 Section 11135 of the Government Code is prohibited.

34 (g) To be effective, any modification of the concession contract  
35 shall be evidenced in writing.

36 (h) Whenever a concession contract is terminated for substantial  
37 breach, there shall be no obligation on the part of the state to  
38 purchase any improvements made by the concessionaire.

39 SEC. 42. Section 5080.34 of the Public Resources Code is  
40 amended to read:



1 5080.34. Every agreement entered into pursuant to this article  
2 and every contract for a concession on lands that are subject to an  
3 agreement entered into pursuant to this article shall expressly  
4 prohibit discrimination against any person because of the marital  
5 status or ancestry of that person or any characteristic listed or  
6 defined in Section 11135 of the Government Code.

7 SEC. 43. Section 453 of the Public Utilities Code is amended  
8 to read:

9 453. (a) No public utility shall, as to rates, charges, service,  
10 facilities, or in any other respect, make or grant any preference or  
11 advantage to any corporation or person or subject any corporation  
12 or person to any prejudice or disadvantage.

13 (b) No public utility shall prejudice, disadvantage, or require  
14 different rates or deposit amounts from a person because of  
15 ancestry, medical condition, marital status or change in marital  
16 status, occupation, or any characteristic listed or defined in Section  
17 11135 of the Government Code. A person who has exhausted all  
18 administrative remedies with the commission may institute a suit  
19 for injunctive relief and reasonable attorney's fees in cases of an  
20 alleged violation of this subdivision. If successful in litigation, the  
21 prevailing party shall be awarded attorney's fees.

22 (c) No public utility shall establish or maintain any unreasonable  
23 difference as to rates, charges, service, facilities, or in any other  
24 respect, either as between localities or as between classes of  
25 service.

26 (d) No public utility shall include with any bill for services or  
27 commodities furnished any customer or subscriber any advertising  
28 or literature designed or intended (1) to promote the passage or  
29 defeat of a measure appearing on the ballot at any election whether  
30 local, statewide, or national, (2) to promote or defeat any candidate  
31 for nomination or election to any public office, (3) to promote or  
32 defeat the appointment of any person to any administrative or  
33 executive position in federal, state, or local government, or (4) to  
34 promote or defeat any change in federal, state, or local legislation  
35 or regulations.

36 (e) The commission may determine any question of fact arising  
37 under this section.

38 SEC. 44. Section 12751.3 of the Public Utilities Code is  
39 amended to read:

1 12751.3. (a) The purpose of this section is to provide affected  
2 districts with an alternative acquisition process that will result in  
3 reduced costs to ratepayers. Notwithstanding Section 12751, when  
4 the expenditure for the purchase of supplies and materials exceeds  
5 fifty thousand dollars (\$50,000) and the district determines that  
6 ratepayers reasonably can expect a net benefit in the cost of district  
7 services, the district may provide for the purchase of the supplies  
8 and materials by contract let in accordance with best value at the  
9 lowest cost acquisition policies adopted by the board pursuant to  
10 this section.

11 (b) The best value at the lowest cost acquisition policies adopted  
12 pursuant to subdivision (a) shall include the following:

13 (1) Price and service level proposals that reduce the district's  
14 overall operating costs.

15 (2) Supplies and materials standards that support the district's  
16 strategic supplies and materials acquisition and management  
17 program direction.

18 (3) A procedure for protest and resolution.

19 (c) For purposes of this section, "best value at the lowest cost  
20 acquisition" means a competitive procurement process whereby  
21 the award of a contract for supplies and materials may take into  
22 consideration any of the following factors:

23 (1) The total cost to the district of its use or consumption of  
24 supplies and materials.

25 (2) The operational cost or benefit incurred by the district as a  
26 result of the contract award.

27 (3) The value to the district of vendor-added services.

28 (4) The quality, effectiveness, and innovation of supplies,  
29 materials, and services.

30 (5) The reliability of delivery or installation schedules.

31 (6) The terms and conditions of product warranties and vendor  
32 guarantees.

33 (7) The financial stability of the vendor.

34 (8) The vendor's quality assurance program.

35 (9) The vendor's experience with the provision of supplies,  
36 materials, and services.

37 (10) The consistency of the vendor's proposed supplies,  
38 materials, and services with the district's overall supplies and  
39 materials procurement program.

1 (11) The economic benefits to the general community related  
2 to job creation or retention.

3 (d) If a district that did not purchase supplies and materials by  
4 contract let pursuant to this section before January 1, 2006, elects  
5 to purchase supplies and materials by contract, let in accordance  
6 with best value acquisition policies adopted by the board pursuant  
7 to this section, the district shall submit a report to the Legislative  
8 Analyst on or before January 1, 2011. The district shall include in  
9 the report a summary of the costs and benefits of best value  
10 acquisition compared to traditional low bid procurement practices.  
11 The report shall also include statistics showing the number of  
12 contracts awarded to small businesses, minority-owned businesses,  
13 and new businesses and the number of years each contract awardee  
14 had been in business. The report shall also include an analysis of  
15 the effects of best value procurement practices on these businesses,  
16 the nature of any disputes arising from the use of best value  
17 procurement practices, and the status of those disputes. On or  
18 before April 1, 2011, the Legislative Analyst shall report to the  
19 Legislature on the use of “best value at lowest cost acquisition”  
20 procurement practices used by municipal utility districts, and  
21 recommend whether to modify this section and extend the authority  
22 of additional districts to elect to purchase supplies and materials  
23 by contract let in accordance with best value acquisition policies,  
24 beyond January 1, 2012.

25 (e) The district shall ensure that all businesses have a fair and  
26 equitable opportunity to compete for, and participate in, district  
27 contracts and shall also ensure that discrimination in the award  
28 and performance of contracts does not occur on the basis of marital  
29 status, ancestry, medical condition, any characteristic listed or  
30 defined in Section 11135 of the Government Code, or retaliation  
31 for having filed a discrimination complaint in the performance of  
32 district contractual obligations.

33 (f) A district that did not purchase supplies and materials by  
34 contract let pursuant to this section before January 1, 2006, shall  
35 not purchase supplies and materials by contract let pursuant to this  
36 section after January 1, 2012.

37 SEC. 45. Section 17269 of the Revenue and Taxation Code,  
38 as added by Section 4 of Chapter 1139 of the Statutes of 1987, is  
39 repealed.

1 SEC. 46. Section 17269 of the Revenue and Taxation Code,  
2 as added by Section 2 of Chapter 1463 of the Statutes of 1987, is  
3 amended to read:

4 17269. Whereas, the people of the State of California desire  
5 to promote and achieve tax equity and fairness among all the state's  
6 citizens and further desire to conform to the public policy of  
7 nondiscrimination, the Legislature hereby enacts the following for  
8 these reasons and for no other purpose:

9 (a) The provisions of Section 162 (a) of the Internal Revenue  
10 Code shall not be applicable to expenses incurred by a taxpayer  
11 with respect to expenditures made at, or payments made to, a club  
12 which restricts membership or the use of its services or facilities  
13 on the basis of ancestry or any characteristic listed or defined in  
14 Section 11135 of the Government Code.

15 (b) A club described in subdivision (a) holding an alcoholic  
16 beverage license pursuant to Division 9 (commencing with Section  
17 23000) of the Business and Professions Code, except a club holding  
18 an alcoholic beverage license pursuant to Section 23425 thereof,  
19 shall provide on each receipt furnished to a taxpayer a printed  
20 statement as follows:

21 "The expenditures covered by this receipt are nondeductible for  
22 state income tax purposes or franchise tax purposes."

23 (c) For purposes of this section:

24 (1) "Expenses" means those expenses otherwise deductible  
25 under Section 162(a) of the Internal Revenue Code, except for  
26 subdivision (a), and includes, but is not limited to, club membership  
27 dues and assessments, food and beverage expenses, expenses for  
28 services furnished by the club, and reimbursements or salary  
29 adjustments to officers or employees for any of the preceding  
30 expenses.

31 (2) "Club" means a club as defined in Division 9 (commencing  
32 with Section 23000) of the Business and Professions Code, except  
33 a club as defined in Section 23425 thereof.

34 SEC. 47. Section 24343.2 of the Revenue and Taxation Code  
35 is amended to read:

36 24343.2. Whereas, the people of the State of California desire  
37 to promote and achieve tax equity and fairness among all the state's  
38 citizens and further desire to conform to the public policy of  
39 nondiscrimination, the Legislature hereby enacts the following for  
40 these reasons and for no other purpose:

1 (a) No deduction shall be allowed under Section 24343 for  
2 expenses incurred by a taxpayer with respect to expenditures made  
3 at, or payments made to, a club which restricts membership or the  
4 use of its services or facilities on the basis of ancestry or any  
5 characteristic listed or defined in Section 11135 of the Government  
6 Code.

7 (b) A club described in subdivision (a) holding an alcoholic  
8 beverage license pursuant to Division 9 (commencing with Section  
9 23000) of the Business and Professions Code, except a club holding  
10 an alcoholic beverage license pursuant to Section 23425 thereof,  
11 shall provide on each receipt furnished to a taxpayer a printed  
12 statement as follows:

13 “The expenditures covered by this receipt are nondeductible for  
14 state income tax purposes or franchise tax purposes.”

15 (c) For purposes of this section:

16 (1) “Expenses” means those expenses otherwise deductible  
17 under Section 24343, except for subdivision (a), and includes, but  
18 is not limited to, club membership dues and assessments, food and  
19 beverage expenses, expenses for services furnished by the club,  
20 and reimbursements or salary adjustments to officers or employees  
21 for any of the preceding expenses.

22 (2) “Club” means a club as defined in Division 9 (commencing  
23 with Section 23000) of the Business and Professions Code, except  
24 a club as defined in Section 23425 thereof.

25 SEC. 48. Section 4666 of the Welfare and Institutions Code is  
26 amended to read:

27 4666. No regional center shall conduct any meeting, conference,  
28 or other function in any facility that prohibits the admittance of  
29 any person, or persons, on the basis of ancestry or any characteristic  
30 listed or defined in Section 11135 of the Government Code.

31 SEC. 49. Section 5348 of the Welfare and Institutions Code is  
32 amended to read:

33 5348. (a) For purposes of subdivision (e) of Section 5346, any  
34 county that chooses to provide assisted outpatient treatment  
35 services pursuant to this article shall offer assisted outpatient  
36 treatment services including, but not limited to, all of the following:

37 (1) Community-based, mobile, multidisciplinary, highly trained  
38 mental health teams that use high staff-to-client ratios of no more  
39 than 10 clients per team member for those subject to court-ordered  
40 services pursuant to Section 5346.

1 (2) A service planning and delivery process that includes the  
2 following:

3 (A) Determination of the numbers of persons to be served and  
4 the programs and services that will be provided to meet their needs.  
5 The local director of mental health shall consult with the sheriff,  
6 the police chief, the probation officer, the mental health board,  
7 contract agencies, and family, client, ethnic, and citizen  
8 constituency groups as determined by the director.

9 (B) Plans for services, including outreach to families whose  
10 severely mentally ill adult is living with them, design of mental  
11 health services, coordination and access to medications, psychiatric  
12 and psychological services, substance abuse services, supportive  
13 housing or other housing assistance, vocational rehabilitation, and  
14 veterans' services. Plans shall also contain evaluation strategies,  
15 that shall consider cultural, linguistic, and special needs based on  
16 any characteristic listed or defined in Section 11135 of the  
17 Government Code in the target populations. Provision shall be  
18 made for staff with the cultural background and linguistic skills  
19 necessary to remove barriers to mental health services as a result  
20 of having limited-English-speaking ability and cultural differences.  
21 Recipients of outreach services may include families, the public,  
22 primary care physicians, and others who are likely to come into  
23 contact with individuals who may be suffering from an untreated  
24 severe mental illness who would be likely to become homeless if  
25 the illness continued to be untreated for a substantial period of  
26 time. Outreach to adults may include adults voluntarily or  
27 involuntarily hospitalized as a result of a severe mental illness.

28 (C) Provisions for services to meet the needs of persons who  
29 are physically disabled.

30 (D) Provision for services to meet the special needs of older  
31 adults.

32 (E) Provision for family support and consultation services,  
33 parenting support and consultation services, and peer support or  
34 self-help group support, where appropriate.

35 (F) Provision for services to be client-directed and that employ  
36 psychosocial rehabilitation and recovery principles.

37 (G) Provision for psychiatric and psychological services that  
38 are integrated with other services and for psychiatric and  
39 psychological collaboration in overall service planning.

1 (H) Provision for services specifically directed to seriously  
2 mentally ill young adults 25 years of age or younger who are  
3 homeless or at significant risk of becoming homeless. These  
4 provisions may include continuation of services that would still  
5 be received through other funds had eligibility not been terminated  
6 as a result of age.

7 (I) Services reflecting special needs of women from diverse  
8 cultural backgrounds, including supportive housing that accepts  
9 children, personal services coordinator therapeutic treatment, and  
10 substance treatment programs that address gender specific trauma  
11 and abuse in the lives of persons with mental illness, and vocational  
12 rehabilitation programs that offer job training programs free of  
13 gender bias and sensitive to the needs of women.

14 (J) Provision for housing for clients that is immediate,  
15 transitional, permanent, or all of these.

16 (K) Provision for clients who have been suffering from an  
17 untreated severe mental illness for less than one year, and who do  
18 not require the full range of services, but are at risk of becoming  
19 homeless unless a comprehensive individual and family support  
20 services plan is implemented. These clients shall be served in a  
21 manner that is designed to meet their needs.

22 (3) Each client shall have a clearly designated mental health  
23 personal services coordinator who may be part of a  
24 multidisciplinary treatment team who is responsible for providing  
25 or assuring needed services. Responsibilities include complete  
26 assessment of the client's needs, development of the client's  
27 personal services plan, linkage with all appropriate community  
28 services, monitoring of the quality and follow through of services,  
29 and necessary advocacy to ensure each client receives those  
30 services which are agreed to in the personal services plan. Each  
31 client shall participate in the development of his or her personal  
32 services plan, and responsible staff shall consult with the designated  
33 conservator, if one has been appointed, and, with the consent of  
34 the client, shall consult with the family and other significant  
35 persons as appropriate.

36 (4) The individual personal services plan shall ensure that  
37 persons subject to assisted outpatient treatment programs receive  
38 age, gender, and culturally appropriate services, to the extent  
39 feasible, that are designed to enable recipients to:

- 1 (A) Live in the most independent, least restrictive housing  
2 feasible in the local community, and, for clients with children, to  
3 live in a supportive housing environment that strives for  
4 reunification with their children or assists clients in maintaining  
5 custody of their children as is appropriate.
- 6 (B) Engage in the highest level of work or productive activity  
7 appropriate to their abilities and experience.
- 8 (C) Create and maintain a support system consisting of friends,  
9 family, and participation in community activities.
- 10 (D) Access an appropriate level of academic education or  
11 vocational training.
- 12 (E) Obtain an adequate income.
- 13 (F) Self-manage their illnesses and exert as much control as  
14 possible over both the day-to-day and long-term decisions that  
15 affect their lives.
- 16 (G) Access necessary physical health care and maintain the best  
17 possible physical health.
- 18 (H) Reduce or eliminate serious antisocial or criminal behavior,  
19 and thereby reduce or eliminate their contact with the criminal  
20 justice system.
- 21 (I) Reduce or eliminate the distress caused by the symptoms of  
22 mental illness.
- 23 (J) Have freedom from dangerous addictive substances.
- 24 (5) The individual personal services plan shall describe the  
25 service array that meets the requirements of paragraph (4), and to  
26 the extent applicable to the individual, the requirements of  
27 paragraph (2).
- 28 (b) Any county that provides assisted outpatient treatment  
29 services pursuant to this article also shall offer the same services  
30 on a voluntary basis.
- 31 (c) Involuntary medication shall not be allowed absent a separate  
32 order by the court pursuant to Sections 5332 to 5336, inclusive.
- 33 (d) Each county that operates an assisted outpatient treatment  
34 program pursuant to this article shall provide data to the State  
35 Department of Mental Health and, based on the data, the  
36 department shall report to the Legislature on or before May 1 of  
37 each year in which the county provides services pursuant to this  
38 article. The report shall include, at a minimum, an evaluation of  
39 the effectiveness of the strategies employed by each program  
40 operated pursuant to this article in reducing homelessness and



1 hospitalization of persons in the program and in reducing  
2 involvement with local law enforcement by persons in the program.  
3 The evaluation and report shall also include any other measures  
4 identified by the department regarding persons in the program and  
5 all of the following, based on information that is available:

6 (1) The number of persons served by the program and, of those,  
7 the number who are able to maintain housing and the number who  
8 maintain contact with the treatment system.

9 (2) The number of persons in the program with contacts with  
10 local law enforcement, and the extent to which local and state  
11 incarceration of persons in the program has been reduced or  
12 avoided.

13 (3) The number of persons in the program participating in  
14 employment services programs, including competitive employment.

15 (4) The days of hospitalization of persons in the program that  
16 have been reduced or avoided.

17 (5) Adherence to prescribed treatment by persons in the program.

18 (6) Other indicators of successful engagement, if any, by persons  
19 in the program.

20 (7) Victimization of persons in the program.

21 (8) Violent behavior of persons in the program.

22 (9) Substance abuse by persons in the program.

23 (10) Type, intensity, and frequency of treatment of persons in  
24 the program.

25 (11) Extent to which enforcement mechanisms are used by the  
26 program, when applicable.

27 (12) Social functioning of persons in the program.

28 (13) Skills in independent living of persons in the program.

29 (14) Satisfaction with program services both by those receiving  
30 them and by their families, when relevant.

31 SEC. 50. Section 5806 of the Welfare and Institutions Code is  
32 amended to read:

33 5806. The State Department of Mental Health shall establish  
34 service standards that ensure that members of the target population  
35 are identified, and services provided to assist them to live  
36 independently, work, and reach their potential as productive  
37 citizens. The department shall provide annual oversight of grants  
38 issued pursuant to this part for compliance with these standards.  
39 These standards shall include, but are not limited to, all of the  
40 following:

- 1 (a) A service planning and delivery process that is target  
2 population based and includes the following:
- 3 (1) Determination of the numbers of clients to be served and  
4 the programs and services that will be provided to meet their needs.  
5 The local director of mental health shall consult with the sheriff,  
6 the police chief, the probation officer, the mental health board,  
7 contract agencies, and family, client, ethnic, and citizen  
8 constituency groups as determined by the director.
- 9 (2) Plans for services, including outreach to families whose  
10 severely mentally ill adult is living with them, design of mental  
11 health services, coordination and access to medications, psychiatric  
12 and psychological services, substance abuse services, supportive  
13 housing or other housing assistance, vocational rehabilitation, and  
14 veterans' services. Plans shall also contain evaluation strategies,  
15 that shall consider cultural, linguistic, gender, age, and special  
16 needs of minorities in the target populations. Provision shall be  
17 made for staff with the cultural background and linguistic skills  
18 necessary to remove barriers to mental health services due to  
19 limited-English-speaking ability and cultural differences.  
20 Recipients of outreach services may include families, the public,  
21 primary care physicians, and others who are likely to come into  
22 contact with individuals who may be suffering from an untreated  
23 severe mental illness who would be likely to become homeless if  
24 the illness continued to be untreated for a substantial period of  
25 time. Outreach to adults may include adults voluntarily or  
26 involuntarily hospitalized as a result of a severe mental illness.
- 27 (3) Provisions for services to meet the needs of target population  
28 clients who are physically disabled.
- 29 (4) Provision for services to meet the special needs of older  
30 adults.
- 31 (5) Provision for family support and consultation services,  
32 parenting support and consultation services, and peer support or  
33 self-help group support, where appropriate for the individual.
- 34 (6) Provision for services to be client-directed and that employ  
35 psychosocial rehabilitation and recovery principles.
- 36 (7) Provision for psychiatric and psychological services that are  
37 integrated with other services and for psychiatric and psychological  
38 collaboration in overall service planning.
- 39 (8) Provision for services specifically directed to seriously  
40 mentally ill young adults 25 years of age or younger who are

1 homeless or at significant risk of becoming homeless. These  
2 provisions may include continuation of services that would still  
3 be received through other funds had eligibility not been terminated  
4 due to age.

5 (9) Services reflecting special needs of women from diverse  
6 cultural backgrounds, including supportive housing that accepts  
7 children, personal services coordinator therapeutic treatment, and  
8 substance treatment programs that address gender specific trauma  
9 and abuse in the lives of persons with mental illness, and vocational  
10 rehabilitation programs that offer job training programs free of  
11 gender bias and sensitive to the needs of women.

12 (10) Provision for housing for clients that is immediate,  
13 transitional, permanent, or all of these.

14 (11) Provision for clients who have been suffering from an  
15 untreated severe mental illness for less than one year, and who do  
16 not require the full range of services but are at risk of becoming  
17 homeless unless a comprehensive individual and family support  
18 services plan is implemented. These clients shall be served in a  
19 manner that is designed to meet their needs.

20 (b) Each client shall have a clearly designated mental health  
21 personal services coordinator who may be part of a  
22 multidisciplinary treatment team who is responsible for providing  
23 or assuring needed services. Responsibilities include complete  
24 assessment of the client's needs, development of the client's  
25 personal services plan, linkage with all appropriate community  
26 services, monitoring of the quality and follow through of services,  
27 and necessary advocacy to ensure each client receives those  
28 services which are agreed to in the personal services plan. Each  
29 client shall participate in the development of his or her personal  
30 services plan, and responsible staff shall consult with the designated  
31 conservator, if one has been appointed, and, with the consent of  
32 the client, consult with the family and other significant persons as  
33 appropriate.

34 (c) The individual personal services plan shall ensure that  
35 members of the target population involved in the system of care  
36 receive culturally appropriate services or appropriate services based  
37 on any characteristic listed or defined in Section 11135 of the  
38 Government Code, to the extent feasible, that are designed to  
39 enable recipients to:

- 1 (1) Live in the most independent, least restrictive housing
- 2 feasible in the local community, and for clients with children, to
- 3 live in a supportive housing environment that strives for
- 4 reunification with their children or assists clients in maintaining
- 5 custody of their children as is appropriate.
- 6 (2) Engage in the highest level of work or productive activity
- 7 appropriate to their abilities and experience.
- 8 (3) Create and maintain a support system consisting of friends,
- 9 family, and participation in community activities.
- 10 (4) Access an appropriate level of academic education or
- 11 vocational training.
- 12 (5) Obtain an adequate income.
- 13 (6) Self-manage their illness and exert as much control as
- 14 possible over both the day-to-day and long-term decisions which
- 15 affect their lives.
- 16 (7) Access necessary physical health care and maintain the best
- 17 possible physical health.
- 18 (8) Reduce or eliminate serious antisocial or criminal behavior
- 19 and thereby reduce or eliminate their contact with the criminal
- 20 justice system.
- 21 (9) Reduce or eliminate the distress caused by the symptoms of
- 22 mental illness.
- 23 (10) Have freedom from dangerous addictive substances.
- 24 (d) The individual personal services plan shall describe the
- 25 service array that meets the requirements of subdivision (c), and
- 26 to the extent applicable to the individual, the requirements of
- 27 subdivision (a).
- 28 SEC. 51. Section 10000 of the Welfare and Institutions Code
- 29 is amended to read:
- 30 10000. The purpose of this division is to provide for protection,
- 31 care, and assistance to the people of the state in need thereof, and
- 32 to promote the welfare and happiness of all of the people of the
- 33 state by providing appropriate aid and services to all of its needy
- 34 and distressed. It is the legislative intent that aid shall be
- 35 administered and services provided promptly and humanely, with
- 36 due regard for the preservation of family life, and without
- 37 discrimination on account of ancestry, marital status, political
- 38 affiliation, or any characteristic listed or defined in Section 11135
- 39 of the Government Code. That aid shall be so administered and
- 40 services so provided, to the extent not in conflict with federal law,

1 as to encourage self-respect, self-reliance, and the desire to be a  
2 good citizen, useful to society.

3 SEC. 52. Section 16522.1 of the Welfare and Institutions Code  
4 is amended to read:

5 16522.1. In order to be licensed pursuant to Section 1559.110  
6 of the Health and Safety Code, an applicant shall obtain  
7 certification from the county department of social services or the  
8 county probation department that the facility program provides all  
9 of the following:

10 (a) (1) Admission criteria for participants in the program,  
11 including, but not limited to, consideration of the applicant's age,  
12 previous placement history, delinquency history, history of drug  
13 or alcohol abuse, current strengths, level of education, mental  
14 health history, medical history, prospects for successful  
15 participation in the program, and work experience. Youth who are  
16 wards of the court described in Section 602 and youth receiving  
17 psychotropic medications shall be eligible for consideration to  
18 participate in the program, and shall not be automatically excluded  
19 due to these factors.

20 (2) The department shall review the admission criteria to ensure  
21 that the criteria are sufficient to protect participants and that they  
22 do not discriminate on the basis of any characteristic listed or  
23 defined in Section 11135 of the Government Code.

24 (b) Strict employment criteria that include a consideration of  
25 the employee's age, drug or alcohol history, and experience in  
26 working with persons in this age group.

27 (c) A training program designed to educate employees who  
28 work directly with participants about the characteristics of persons  
29 in this age group placed in long-term care settings, and designed  
30 to ensure that these employees are able to adequately supervise  
31 and counsel participants and to provide them with training in  
32 independent living skills.

33 (d) A detailed plan for monitoring the placement of persons  
34 under the licensee's care.

35 (e) A contract between the participating person and the licensee  
36 that specifically sets out the requirements for each party, and in  
37 which the licensee and the participant agree to the requirements  
38 of this article.

39 (f) An allowance to be provided to each participant in the  
40 program. In the case of a participant living independently, this

1 allowance shall be sufficient for the participant to purchase food  
 2 and other necessities.  
 3 (g) A system for payment for utilities, telephone, and rent.  
 4 (h) Policies regarding all of the following:  
 5 (1) Education requirements.  
 6 (2) Work expectations.  
 7 (3) Savings requirements.  
 8 (4) Personal safety.  
 9 (5) Visitors including, but not limited to, visitation by the  
 10 placement auditor pursuant to subdivision (d).  
 11 (6) Emergencies.  
 12 (7) Medical problems.  
 13 (8) Disciplinary measures.  
 14 (9) Child care.  
 15 (10) Pregnancy.  
 16 (11) Curfew.  
 17 (12) Apartment cleanliness.  
 18 (13) Use of utilities and telephone.  
 19 (14) Budgeting.  
 20 (15) Care of furnishings.  
 21 (16) Decorating of apartments.  
 22 (17) Cars.  
 23 (18) Lending or borrowing money.  
 24 (19) Unauthorized purchases.  
 25 (20) Dating.  
 26 (21) Grounds for termination that may include, but shall not be  
 27 limited to, illegal activities or harboring runaways.  
 28 (i) Apartment furnishings, and a policy on disposition of the  
 29 furnishings when the participant completes the program.  
 30 (j) Evaluation of the participant’s progress in the program and  
 31 reporting to the independent living program and to the department  
 32 regarding that progress.  
 33 (k) A linkage to the federal Job Training and Partnership Act  
 34 (29 U.S.C. Sec. 1501 et seq.) program administered in the local  
 35 area to provide employment training to eligible participants.  
 36 SEC. 53. Section 18907 of the Welfare and Institutions Code  
 37 is amended to read:  
 38 18907. In the determination of eligibility for food stamps, there  
 39 shall be no discrimination against any household by reason of  
 40 marital status, political belief, or any characteristic listed or defined

1 in Section 11135 of the Government Code to the extent not in  
2 conflict with federal law.  
3 SEC. 54. The changes made by Sections 2, 3, 4, 5, 6, 7, 8, 10,  
4 11, 12, 13, 14, 16, 17, 18, 37, and 38 of this act that become  
5 effective January 1, 2008, are intended to be construed as  
6 illustrative, rather than restrictive.

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