

AMENDED IN SENATE MAY 4, 2015
AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 600

Introduced by Senator Pan
(Coauthor: Senator Hall)

February 27, 2015

An act to amend Section 51 of the Civil Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

SB 600, as amended, Pan. Discrimination: citizenship: language: immigration status.

Existing law finds and declares that all protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state. Existing law, the Unruh Civil Rights Act, provides that all persons within the jurisdiction of this state are entitled to full and equal accommodations in all business establishments regardless of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation.

This bill would extend the protections of the Unruh Civil Rights Act to persons regardless of citizenship, primary language, or immigration status.

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

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

1 SECTION 1. Section 51 of the Civil Code is amended to read:

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

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

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

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

28 (e) For purposes of this section:

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

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

33 (i) The individual’s genetic tests.

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

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

37 (B) “Genetic information” includes any request for, or receipt
38 of, genetic services, or participation in clinical research that

1 includes genetic services, by an individual or any family member
2 of the individual.

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

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

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

9 (5) “Sex” includes, but is not limited to, pregnancy, childbirth,
10 or medical conditions related to pregnancy or childbirth. “Sex”
11 also includes, but is not limited to, a person’s gender. “Gender”
12 means sex, and includes a person’s gender identity and gender
13 expression. “Gender expression” means a person’s gender-related
14 appearance and behavior whether or not stereotypically associated
15 with the person’s assigned sex at birth.

16 (6) “Sex, race, color, religion, ancestry, national origin,
17 disability, medical condition, genetic information, marital status,
18 sexual orientation, citizenship, primary language, or immigration
19 status” includes a perception that the person has any particular
20 characteristic or characteristics within the listed categories or that
21 the person is associated with a person who has, or is perceived to
22 have, any particular characteristic or characteristics within the
23 listed categories.

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

26 (f) A violation of the right of any individual under the federal
27 Americans with Disabilities Act of 1990 (P.L. 101-336) shall also
28 constitute a violation of this section.

29 (g) ~~A verification~~ *Verification* of immigration status and any
30 discrimination based upon verified immigration status, where
31 required by federal law, shall not constitute a violation of this
32 section.

33 SEC. 2. The amendment of Section 51 of the Civil Code by
34 this act does not constitute a change in, but is declaratory of,
35 existing law. It is not the intent of the Legislature in amending the
36 Unruh Civil Rights Act to affect the protected status of any other
37 classification, whether or not expressed in Section 51 of the Civil
38 Code.

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