



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-2448 Civil rights: businesses: discrimination and harassment of customers: pilot program. (2021-2022)

SHARE THIS:  

Date Published: 09/14/2022 09:00 PM

Assembly Bill No. 2448

CHAPTER 315

An act to add and repeal Section 51.17 of the Civil Code, relating to civil rights.

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2448, Ting. Civil rights: businesses: discrimination and harassment of customers: pilot program.

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 specified characteristics, including sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.

Existing law, the California Fair Employment and Housing Act (FEHA), establishes the Civil Rights Department within the Business, Consumer Services, and Housing Agency and sets forth its powers and duties relating to enforcement of civil rights laws with respect to housing and employment and to protect and safeguard the right of all persons to obtain and hold employment without discrimination based on specified characteristics or status. Existing law prohibits an employer and other specified entities from harassing an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract, because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status, if the entity, or its agents or supervisors, knows or should have known of that conduct and failed to take immediate and appropriate corrective action.

This bill would require the department to establish a pilot program on or before January 1, 2025, to recognize businesses that create environments free from discrimination and harassment and would require the department to develop criteria to qualify for recognition, including, among other things, demonstrating compliance with the Unruh Civil Rights Act. The bill would require the department to provide a certificate to qualifying businesses and publish on its internet website a database of businesses receiving that certificate. The bill would require the department to evaluate whether that recognition is effective on or before January 1, 2028, as specified. The bill would provide that recognition under the pilot program does not establish and is not relevant to any defense of claims brought under existing law. The bill would repeal its provisions on July 1, 2028.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 51.17 is added to the Civil Code, to read:

51.17. (a) For purposes of this section, "department" refers to the Civil Rights Department.

(b) (1) On or before January 1, 2025, the department shall establish a pilot program that recognizes businesses for creating safe and welcoming environments free from discrimination and harassment of customers.

(2) To qualify for recognition under the pilot program, a business shall meet the criteria set out by the department, which may include, but not be limited to, the following:

(A) Demonstrating compliance with Section 51.

(B) Offering additional training to educate and inform employees or build skills.

(C) Informing the public of their rights to be free from discrimination and harassment and how to report violations.

(D) Outlining a code of conduct for the public that encourages respectful and civil behavior.

(E) Any other actions designed to prevent and respond to discrimination and harassment regardless of the identity of the perpetrator.

(3) The department shall provide a certificate to qualifying businesses that may be prominently displayed on site and publish on its internet website a database of businesses receiving that certificate.

(4) On or before January 1, 2028, the department shall evaluate whether that recognition is effective, including, at a minimum, whether it affects customer behavior, incentivizes compliance among businesses with Section 51, or reduces the incidence of discrimination and harassment at businesses.

(5) Recognition under the pilot program does not establish and is not relevant to any defense of claims brought under existing law.

(c) This section shall remain in effect only until July 1, 2028, and as of that date is repealed.