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FACT SHEET Civil Rights Act of 2008 (AB 2654)

Questions: email@eqca.org

This bill would amend existing nondiscrimination provisions in California law to be consistent with the nondiscrimination provisions in the Unruh Civil Rights Act and Government Code Section 11135, which prohibits discrimination in state funded programs and activities.

Status: Introduced February 22, 2008

Author: Assemblymember John Laird

Sponsor: Equality California

BACKGROUND

Under current law covered by this bill, there are thirteen provisions that prohibit discrimination against individuals who are members of specified categories. These categories are also known as "protected classes." Nine of these provisions can be characterized as applying to the business of insurance and four cover some type of government benefit, service or requirement. The list of protected classes varies from statute to statute. For example, there are two code sections related to property insurance, both of which reference race, color, religion, national origin and ancestry, but only one also references marital status and sex. These variances create potential deficiencies in protection for Californians and potential confusion for those charged with implementing and complying with these laws.

The Unruh Civil Rights Act (Unruh Act) protects the following categories:

- Sex, including Gender Identity;
- Race;
- Color;
- Religion;
- Ancestry;
- National Origin;
- Disability
- Medical Condition;
- Marital Status; and
- Sexual Orientation

Government Code Section 11135 protects the following categories:

- Race;
- National Origin;
- Ethnic Group Identification;
- Religion;
- Age;
- Sex, including Gender Identity;

- Sexual Orientation;
- Color; and
- Disability

WHAT THIS BILL WOULD DO

In order to prevent any possible lack of protection for Californians or any confusion that may exist for implementation and compliance, this bill, where possible, will reference the list of protected classes in the Unruh Act to the insurance code sections and reference the list of protected classes in Government Code section 11135 to the government benefit/service statutes. This will result in a more consistent legal standard. Another advantage for doing this is that whenever additional protected classes are added to the Unruh Act or Government Code section 11135, these other nondiscrimination laws will be updated automatically. Four insurance code sections do not reference the Unruh Act, as it would be contrary to the risk adjustment process to add disability and medical condition to health and life insurance anti-discrimination mandates. Instead, the bill simply updates these lists of protected classes as much as possible.

AB 2654 is the fifth bill in a series of nondiscrimination bills authored by Assemblymember Laird and sponsored by Equality California (EQCA). In 2004, Mr. Laird authored and EQCA sponsored AB 2900, which amended 35 labor and employment related nondiscrimination provisions. In 2005, Mr. Laird authored and EQCA sponsored AB 1400, which amended the Unruh Civil Rights Act and four related provisions to clarify that people are protected from discrimination regardless of their sexual orientation, gender identity or marital status. In 2006, Mr. Laird authored and EQCA sponsored AB 2800, which amended 17 housing related nondiscrimination provisions. And in 2007, Mr. Laird authored and EQCA sponsored AB 14 which amended more than 50 code sections related to business establishments and government programs to reference the Unruh Civil Rights Act or the Government Code. All four bills were signed into law.

FOR MORE INFORMATION

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