FACT SHEET

Your Rights in California in Response to Recent Executive Orders

Authored by California LGBTQ+, Civil Rights, and Health Care Advocates

In his first few weeks in office, President Trump has rolled out a series of executive orders that openly target transgender, gender expansive, and intersex people, and purport to require recipients of federal funding to discriminate against transgender, gender expansive, and intersex people. Our organizations recognize how frightening these executive orders—and future federal

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actions in alignment with the orders—are for LGBTQ+ families and communities. We will do everything in our power to protect and support our families and community in California, and we are fortunate that our state elected officials have also pledged their support to our families and community.

For the time being, California's laws and federal law broadly protect LGBTQ+ Californians from discrimination. And several of our organizations are suing the Trump administration to try to prevent his harmful orders from taking effect. As the federal landscape evolves, we will do our best to keep our families and community informed of their rights.

This document is meant for community members and advocates, to help you understand. It is a document for you to know what rights you have in California. You can use this information to advocate for yourself and others.

Disclaimers: This document is not legal advice. If you have a potential legal problem, you should promptly consult with an attorney about what options you may have and what time limits may apply. The law may change rapidly, but this document cannot be updated frequently, so the information and links in this document may have changed since the date of publication. The information and resources here focus on transgender and gender expansive rights in California; this is not a comprehensive list of all LGBTQ+ resources or protections available in our state.

1. What laws protect me or my transgender, gender diverse, or intersex child in California?

California has a number of laws that protect transgender, gender diverse, and intersex individuals in various settings, including at school, in employment, and in access to health care. Some of these laws are listed below.

a. **General non-discrimination protections:** California prohibits business establishments (including nonprofits serving the public and health care providers) and government entities from discriminating against individuals on the basis of sex, gender identity, gender expression, sexual orientation, and transgender status. These laws also bar discrimination based on perceived sexual orientation or gender identity, and based on relationship to someone who is LGBTQ. Cal. Civil Code § 51; Cal. Gov. Code §§ 11135, 12926; 2 Cal. Code Reg. §§ 14000 *et seq*.

b. **Schools**: California prohibits public schools and non-religious private schools from discriminating on the basis of sex, gender, gender identity, gender expression, sexual orientation, and transgender status. Students have the right to go by their chosen name and pronouns, to express their gender, to participate in sports and other activities based on their gender, to use restrooms based on their gender, and to update the name and gender on their records during or after schooling. Cal. Education Code §§ 220, 221.5(f), 49062.5, 49070. See here for more information .

   California prohibits schools from requiring teachers and other school staff to disclose any information related to a student's sexual orientation, gender identity, or gender

expression to any other person without the student's consent unless otherwise required by state or federal law. Cal. Ed. Code § 220.3.

California requires public schools to take affirmative steps to prevent bullying based on sexual orientation or gender identity, and school staff must intervene if they witness bullying. Cal. Ed. Code § 234 et seq; see here for more information.

California also prohibits banning books, instructional materials, or curricula that include the lived reality of diverse and inclusive perspectives, including books and material by and about LGBTQ+ individuals. Cal. Ed. Code § 243.

c. **Health care:** California supports access to gender-affirming medical care[1] for both adults and young people. Cal. Civ. Code § 1798.301. California's Attorney General has affirmed that health care providers must continue to follow California law regarding access to gender-affirming care. See AG's February 5 letter.

   California has taken a number of steps to protect families accessing gender-affirming care here, and health care providers, from prosecution by other states.. Cal. Civil Code § 56.109; Cal. Code of Civil Proc. §§ 2029.300, 2029.350; Cal. Family Code §§ 3421, 3424, 3427, 3428, 3453.5; Cal. Penal Code §§ 819, 1326;Cal. Bus. & Profs. Code §§ 850.1, 852, 2746.5; Cal. Civil Code §§ 762.020, 872.520, 1710.50, 1798.99.90 et seq., 1798.300 et seq.; Cal. Ed. Code. § 22171; Cal. Health & Safety Code § 1317.1, 123468.5; Cal. Penal Code §§ 1549.15, 13778.5; Cal. Probate Code §§ 1003, 10954, 15405, and 19507; Cal. Welf. & Inst. Code § 11486.5.

   California prohibits discrimination against LGBTQ+ individuals in long-term care facilities. Cal. Health & Saf. Code § 1439.50-1439.54.

   California requires that transgender, nonbinary, and gender expansive youth in foster care have access to gender-affirming care based on prevailing standards of care. Cal. Welf. & Inst. Code §§ 16001.9, 16010.2.

d. **Employment**: California prohibits discrimination and harassment in the workplace based on actual or perceived sex, gender identity, gender expression, transgender or transitioning status, or sexual orientation. Employers must honor transgender workers' lived names and pronouns and allow them to use gender-appropriate restrooms. Cal. Gov't Code § 12940(a); 2 Cal. Code Reg. § 11034(e)(2), (h), (i)(4).

e. **Housing:** California prohibits discrimination in housing based on actual or perceived sex, gender identity, gender expression, or sexual orientation. This includes emergency shelter settings. Cal. Gov't Code § 12955.

[1] California defines gender-affirming care as "medically necessary health care that respects the gender identity of the patient, as experienced and defined by the patient." Cal. Welf. and Inst. Code § 16010.2(3); Cal. Civ. Code § 1798.300.

f. **Child custody**: California prohibits discriminating against LGBTQIA+ parents when determining custody of children. Cal. Family Code § 3011.

g. **Identification and birth certificates**: California allows individuals to self-attest to their gender marker when applying for a driver's license or state identification card, updating a California birth certificate, or petitioning a court for a gender marker change order. Cal. Health & Safety Code §§ 103426, 103430; Cal. Vehicle Code § 12800.

h. **Prison**: California requires state prison officials to house and search transgender, gender-diverse, and intersex individuals based on their gender if they so request, with limited security exceptions. Cal. Penal Code § 2605 et seq.

2. How will President Trump's Executive Orders impact me and my family?

An Executive Order alone does not take away any of your rights. Trump's Executive Orders by themselves do not change California or federal law. However, some federal agencies have begun taking steps to implement the Executive Orders, and both federal agencies and Congress could take additional future actions that would impact Californians. We will try to provide updates about any federal developments that impact LGBTQ+ rights in California.

Although federal law prohibits discrimination based on sexual orientation and gender identity, during this administration we do not recommend attempting to file discrimination complaints on those bases with any federal agency.

3. What steps can I take if I am discriminated against?

a. **Document what happened.** Take notes on what happened, whom you communicated with, and who might have been a witness. Save copies of all emails, texts, complaints, photos, and documents. Try to identify who may have made the decision to discriminate against you. If you cannot identify one person, identify a facility, office, or group of people. It is important to document so you can provide evidence about your experience.

b. **File a complaint** with a relevant state agency, such as:

   i. **California Civil Rights Department:** https://calcivilrights.ca.gov/complaintprocess/ (for complaints about employers, landlords, business establishments including health care providers, and government agencies or programs)

   ii. **California Department of Education** (for complaints about schools): https://www.cde.ca.gov/re/di/fq/index.asp#Complaints ; see also more information here

   iii. **California Department of Managed Health Care** (for complaints about insurance plans): https://www.dmhc.ca.gov/FileaComplaint.aspx

   iv. **California Attorney General's Office** (for complaints about businesses; some may be routed to other agencies): https://oag.ca.gov/contact/consumer-complaint-against-business-or-company

If you experience discrimination, it is important to notify the state. Without your report, there is no official record of the incident, which means no action can be taken to address the issue. Reporting ensures accountability, helps prevent future discrimination, and supports efforts to enforce anti-discrimination laws. Your voice matters—make sure it is heard.

Filing a civil rights complaint is an important step toward justice, but it is important to understand that state agencies receive a huge volume of complaints. Investigations, legal reviews, and enforcement actions take time, so you should not expect a quick resolution.

c. **Contact an LGBTQ+ advocacy group or a legal services provider.** Many organizations are working to assist individuals who are facing discrimination and/or loss of health care (see list below).

4. What organizations can I contact for more information and/or help?

a. Lambda Legal: Webpage: https://lambdalegal.org/helpdesk/
Legal Help Desk: 213-382-7600

b. National Center for Lesbian Rights (which serves the whole LGBTQ+ community):
Webpage: https://www.nclrights.org/get-help/
Legal helpline: 800-528-6257 or 415-392-6257

c. Transgender Law Center:
Webpage: https://transgenderlawcenter.org/resources/
Legal Help Desk: 415-865-0176

d. **California Rural Legal Assistance, Inc.:**
Webpage: https://crla.org/locations
Phone line: 1-800-337-0690

e. **Contact your local LGBTQ+ Community Center for legal resources specific to your county:** For example, the Los Angeles LGBT Center has legal resource information here: https://lalgbtcenter.org/services/legal-services/.

5. Where can I find additional resources about my rights?

a. Advocates for Trans Equality and partners' explanation of President Trump's Day 1 Anti-Transgender Executive Order: What You Need To Know

b. California Attorney General's Executive Order responses: Statement on President Trump's Executive Order Targeting the LGBTQ+ Community | State of California - Department of Justice and Attorney General Bonta: California Schools Will Remain a Welcoming, Inclusive, Safe Place for All

c. California Department of Education's Executive Order response: Affirmation of Continued Protections on the Basis of Gender, Gender Expression, Gender Identity, and Sexual Orientation

d. California Civil Rights Department's Civil Rights in California Businesses

e. CA vs. Hate hotline for reporting hate crimes and hate incidents, operated by the California Civil Rights Department

f. ACLU SoCal's California LGBTQ Employment Rights resource

g. California Department of Justice's LGBTQ+ Discrimination Rights webpage

h. California Civil Rights Department's The Rights of Employees Who Are Transgender or Gender Nonconforming fact sheet

i. California Department of Insurance's Equal Access to Health Insurance: Coverage for Transgender Californians webpage

j. California Department of Managed Health Care's TGI Care webpage