

**CIVIL RIGHTS DEPARTMENT**  
**2023 LEGISLATIVE SUMMARY**

In 2023, the following bills were passed by the California Legislature, signed by Governor Gavin Newsom, and chaptered into law. Each becomes effective January 1, 2024, unless stated otherwise.

**EMPLOYMENT**

**Cannabis Use Discrimination**

Senate Bill 700 amends a section of the Fair Employment and Housing Act and prohibits an employer from requesting information from an applicant relating to their use of cannabis off the job and away from the workplace. This prohibition also applies to information obtained from a criminal history background check unless consideration of that information is permitted by the Fair Chance Act (Gov. Code sec. 12952) or other state or federal law. The prohibition does not apply to positions that require a federal government background check or security clearance pursuant to regulations issued by the United States Department of Defense or equivalent regulations issued by other agencies.

**Bill Number and Title:** SB 700: Employment discrimination: cannabis use

**Author:** Bradford

**Statutes of 2023 Chapter:** 408

**Code Section(s) Amended:** Government Code section 12954

**Code Section(s) Added:** None

**Code Section(s) Repealed:** None

**Leave for Reproductive Loss**

Senate Bill 848 adds a new section to the Fair Employment and Housing Act that provides eligible employees up to five days of “reproductive loss leave” following a miscarriage, stillbirth, failed surrogacy, failed adoption, or failed assisted reproduction (such as artificial insemination or an embryo transfer). An employer may not retaliate against an employee because they request or use reproductive loss leave. An employer is obligated to maintain employee confidentiality relating to reproductive loss leave.

Reproductive loss leave is separate and distinct from any other type of protected leave, such as family and medical leave under the California Family Rights Act or pregnancy disability leave. An employee must take the reproductive loss leave within three months of the reproductive loss or of the conclusion of another job-protected leave, if the employee was on such leave at the time of the reproductive loss. Should an employee experience multiple reproductive losses within a year, the employer is not obligated to grant more than 20 days of reproductive loss leave within that year. In the absence of an existing policy of the employer, the reproductive loss leave may be unpaid, although an employee may use accrued paid time off during their reproductive loss leave.

**Bill Number and Title:** SB 848: Employment: leave for reproductive loss

**Author:** Rubio

**Statutes of 2023 Chapter:** 724

**Code Section(s) Amended:** None

**Code Section(s) Added:** Government Code section 12945.6

**Code Section(s) Repealed:** None

**Extension of Small Employer Family Leave Mediation Pilot Program**

Section 37 of Assembly Bill 1756 amends a section of the Fair Employment and Housing Act to extend the Civil Rights Department’s Small Employer Family Leave Mediation Pilot Program for one year to January 1, 2025. The program provides the opportunity for small employers (with 5 to 19 employees) and their employees to utilize the department's mediation services to try to settle disputes about leave under the California Family Rights Act (Gov. Code § 12945.2) as well as bereavement leave under Government Code section 12945.7, prior to the filing of a civil complaint. For more information about this program, visit: <https://calcivilrights.ca.gov/disputeresolution/>.

**Bill Number and Title:** AB 1756: Committee on Judiciary: judiciary omnibus

**Author:** Committee on Judiciary

**Statutes of 2023 Chapter:** 478

**Code Section(s) Amended:** (pertinent to CRD) Government Code section 12945.21

**Code Section(s) Added:** None

**Code Section(s) Repealed:** None

**HOUSING**

**Credit History of Persons Receiving Government Rent Subsidies**

Senate Bill 267 amends a section of the Fair Employment and Housing Act to prohibit, in instances where an applicant for housing has a government rent subsidy, the use of that applicant’s credit history as part of the application process for a renting the housing accommodation without offering the applicant the option of providing other specified evidence of their reasonable ability to pay the rent. If the applicant elects to provide such alternative evidence, the housing provider must give the applicant reasonable time to respond with that alternative evidence and reasonably consider that evidence in lieu of the person’s credit history in determining whether to offer the rental accommodation to the applicant.

**Bill Number and Title:** SB 267: Credit history of persons receiving government rent subsidies

**Author:** Eggman

**Statutes of 2023 Chapter:** 776

**Code Section(s) Amended:** Government Code section 12955

**Code Section(s) Added:** None

**Code Section(s) Repealed:** None

## **HUMAN TRAFFICKING**

### **Additional Relief for Survivors of Human Trafficking**

Senate Bill 727 amends Civil Code section 52.5 to authorize a victim of human trafficking to seek a court finding that they incurred specific debts as a result of trafficking and without their consent, among other relief authorized by that section. The bill authorizes a court to base its finding upon evidence that a debt attributed to the plaintiff was incurred as the result of any illegal act in which the plaintiff was the victim. This court finding would not affect the priority of any lien or other security interest. In addition, Senate Bill 727 amends a section of the Fair Employment and Housing Act to clarify that the Civil Rights Department may seek the relief set forth in the bill on behalf of a trafficking survivor in a civil action brought by the department.

**Bill Number and Title:** SB 727: Human trafficking: civil actions

**Author:** Limón

**Statutes of 2023 Chapter:** 632

**Code Section(s) Amended:** Civil Code section 52.5, Government Code section 12965

**Code Section(s) Added:** None

**Code Section(s) Repealed:** None

## **INTERDEPARTMENTAL COLLABORATION, DATA COLLECTION, AND REPORTING REQUIREMENTS**

### **Task Force on State and Local Regulations of Commercial Cannabis Activity**

Assembly Bill 993 amends Business and Professions Code section 26203 to add representatives from the Civil Rights Department and the Department of Industrial Relations to the existing Task Force on State and Local Regulation of Commercial Cannabis Activity, which promotes communication between state and local entities engaged in the regulation of commercial cannabis activity and facilitates cooperation in the enforcement of applicable state and local laws.

**Bill Number and Title:** AB 993: Cannabis Task Force

**Author:** Rubio, Blanca

**Statutes of 2023 Chapter:** 822

**Code Section(s) Amended:** Business and Professions Code section 26203

**Code Section(s) Added:** None

**Code Section(s) Repealed:** None

### **Fast Food Council**

Assembly Bill 1228 repeals, revises, and recasts provisions of the Fast Food Accountability and Standards Recovery Act (FAST Act), but only on the condition that Referendum No. 1939, contesting the FAST Act, is withdrawn by its proponents by January 1, 2024. If the referendum is timely withdrawn, AB 1228, among other things, reestablishes the Fast Food Council and specifies its objectives, responsibilities, and constraints in relation to setting an hourly minimum wage and overseeing the adoption and evaluation of health, safety, and employment standards for fast food restaurant employees. As applicable to the Civil Rights Department, if any standard considered by the Fast Food Council falls under the jurisdiction of the Civil Rights Council, the Fast Food Council would be required to petition the Civil Rights Council to adopt, amend, or repeal a regulation under its jurisdiction. Further, the bill clarifies that the Civil Rights Department maintains enforcement jurisdiction over protections against employment discrimination, harassment, and other civil rights.

**Bill Number and Title:** AB 1228: Fast food restaurant industry: Fast Food Council: health, safety, employment, and minimum wage

**Author:** Holden

**Statutes of 2023 Chapter:** 262

**Code Section(s) Amended:** None

**Code Section(s) Added:** Labor Code sections 1474, 1475, and 1476

**Code Section(s) Repealed:** Labor Code sections 1470, 1471, 1472, and 1473

### **Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act Data Collection**

Assembly Bill 1163 adds intersexuality to the voluntary self-identification information to be collected under the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act, applicable to the Civil Rights Department. The bill applies that Act's provisions to additional state entities and requires these state entities to comply with these provisions as early as possible following January 1, 2025, but no later than July 1, 2026.

**Bill Number and Title:** AB 1163: Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act

**Author:** Luz Rivas

**Statutes of 2023 Chapter:** 832

**Code Section(s) Amended:** Government Code section 8310.8

**Code Section(s) Added:** None

**Code Section(s) Repealed:** None

## RELATED STATUTES NOT ENFORCED BY CRD

### **Criminal History in Employment**

Senate Bill 885 adds a section to the Education Code authorizing the State Teachers' Retirement System (STRS) to collect criminal history data for employees and applicants for employment at STRS during the time a tentative offer is pending. However, STRS may only collect such information if the position is one of the following: the chief executive officer of STRS performing duties pursuant to Section 22301 of the Education Code; legal services and operations; actuarial, investment, audit, accounting, and financial services; a position that has access to sensitive information maintained by or submitted to STRS; or a position that requires driving as an essential function. For each employee holding or applicant applying for such a position, STRS will submit fingerprint images and related information to the Department of Justice, which shall provide a state or federal response regarding criminal history information that STRS will use to screen applicants who have received a tentative offer.

**Bill Number and Title:** SB 885: Public employees' retirement

**Author:** Committee on Labor, Public Employment and Retirement

**Statutes of 2023 Chapter:** 159

**Code Section(s) Amended:** (as relevant to CRD) None

**Code Section(s) Added:** (as relevant to CRD) Education Code section 22338

**Code Section(s) Repealed:** (as relevant to CRD) None

### **Tenants' Contact with Law Enforcement or Emergency Services**

Assembly Bill 1418 prohibits a local government from imposing a penalty against a resident, owner, tenant, landlord, or other person because that person had contact with a law enforcement agency or emergency service. AB 1418 also prohibits a local government from requiring or encouraging a landlord to, or penalizing a landlord for failing to, do any of the following: (1) evict or penalize a tenant because of the tenant's association with another tenant or household member who has had contact with a law enforcement agency or has a criminal conviction; (2) evict or penalize a tenant because of the tenant's alleged unlawful conduct or arrest; (3) include in the lease grounds for eviction that is not set forth in, or that is prohibited by, state or federal law; or (4) perform a criminal background check of a tenant or a prospective tenant. Assembly Bill 1418 preempts inconsistent local ordinances, rules, policies, programs, or regulations and prescribes remedies for violations. This bill is enforced through private right of action and grants nonprofit 501(c)(3)'s organizational standing to bring an action for injunctive relief against local governments to cease and desist unlawful practices.

**Bill Number and Title:** AB 1418: Tenancy: local regulations: contact with law enforcement or criminal convictions

**Author:** McKinnor

**Statutes of 2023 Chapter:** 476

**Code Section(s) Amended:** Government Code section 53165 (heading of Article 10 of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code)

**Code Section(s) Added:** Government Code section 53165.1

**Code Section(s) Repealed:** None

**Relocation Within a Rent-Controlled Building for Accessibility**

Among other things, Assembly Bill 1620 allows a city or other locality with rent control to require an owner of a rent-controlled unit to allow a tenant with a permanent physical disability to relocate to an available comparable or smaller unit located on an accessible floor of the property. The bill requires an owner who grants a request pursuant to these provisions to allow the tenant to retain their lease at the same rental rate and terms of the existing lease if certain conditions are met, including, among others, the move is determined to be necessary to accommodate the tenant’s mobility disability and the new unit is in the same building or on the same parcel with at least four other units. AB 1620 does not impact existing rights, such as the right to a reasonable accommodation for a disability under the Fair Employment and Housing Act.

**Bill Number and Title:** AB 1620: Costa-Hawkins Rental Housing Act: permanent disabilities: comparable or smaller units

**Author:** Zbur

**Statutes of 2023 Chapter:** 767

**Code Section(s) Amended:** Civil Code section 1954.53

**Code Section(s) Added:** None

**Code Section(s) Repealed:** None

**Internet Website-Related Accessibility Claims**

Assembly Bill 1404 requires an attorney, with each demand letter or complaint alleging an internet website-related accessibility claim to provide the defendant with a copy of a written advisory notice pertaining to disability access laws. The bill exempts the Civil Rights Department, Attorney General, or any district attorney, county counsel, or city attorney from this requirement. The bill would become operative only if Assembly Bill 1757 (2023–2024 Regular Session) is enacted and takes effect on or before January 1, 2025.

**Bill Number and Title:** AB 1404: Disability access: internet website-related accessibility claims

**Author:** Carrillo

**Statutes of 2023 Chapter:** 842

**Code Section(s) Amended:** None

**Code Section(s) Added:** Civil Code section 55.33

**Code Section(s) Repealed:** None

**Toilet Facilities on Construction Job Sites**

Assembly Bill 521 requires the Occupational Safety and Health Standards Board, before December 1, 2025, to draft a rulemaking proposal to consider revising a regulation to require all construction jobsites to make available at least one single-user toilet facility designated for employees who self-identify as female or nonbinary. In addition, this bill exempts construction jobsites from an existing provision of the Health Code requiring all single-user toilet facilities in a business establishment, place of public accommodation, or state or local government agency to be identified as all-gender toilet facilities by specified signage and designated for use by no more than one occupant at a time or for family or assisted use.

**Bill Number and Title:** AB 521: Occupational safety and health standards: construction jobsites: toilet facilities

**Author:** Bauer-Kahan

**Statutes of 2023 Chapter:** 529

**Code Section(s) Amended:** Health and Safety Code section 118600

**Code Section(s) Added:** Labor Code section 6722

**Code Section(s) Repealed:** None

**School All-Gender Restrooms**

Senate Bill 760 requires, on or before July 1, 2026, each school district, county office of education, and charter school, maintaining any combination of classes from grades 1 to 12, to provide and maintain at least one all-gender restroom for voluntary pupil use at each of its school sites that meet specified criteria. The bill requires the all-gender restroom to, among other things, display signage identifying the bathroom facility as being open to all genders and ensure that the facility is unlocked, unobstructed, and easily accessible by any pupil. Senate Bill 760 also requires the local educational agency to designate a staff member to serve as a point of contact for these purposes and to post a notice regarding these requirements in a prominent and conspicuous location outside at least one all-gender restroom. These requirements are subject to compliance review and impose a state-mandated local program. The bill authorizes a local educational agency to use an existing restroom to satisfy these requirements, as provided.

Senate Bill 760 further requires the governing board of a school district, a county board of education, or the governing body of a charter school that applies for state funding pursuant to the Greene Act for a school modernization project to include, as part of the modernization project, an all-gender restroom designed exclusively for pupil use for specified school sites, as provided. The bill would provide that these provisions apply only to those projects that are submitted for approval on or after July 1, 2026.

**Bill Number and Title:** SB 760: School facilities: all-gender restrooms

**Author:** Newman

**Statutes of 2023 Chapter:** 227

**Code Section(s) Amended:** Education Code section 35292.5

**Code Section(s) Added:** Education Code section 17585

**Code Section(s) Repealed:** None

**Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project)**

Senate Bill 447 establishes the BRIDGE Project within the Governor’s Office of Business and Economic Development (GO-Biz) to raise public awareness and promote civil rights and antidiscrimination through education, advertising, and marketing activities in states that have established discriminatory laws. The bill requires GO-Biz to convene an advisory committee to advise on BRIDGE Project media campaigns and authorizes funding upon appropriation by the Legislature and through private donations. The bill also repeals Government Code section 11139.8, which prohibited state-sponsored travel to any state that has enacted a law authorizing or requiring discrimination based on sexual orientation, gender identity, or gender expression or against same-sex couples or their families. Senate Bill 447 took effect immediately upon signing.

**Bill Number and Title:** SB 447: GO-Biz: Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project)

**Author:** Atkins

**Statutes of 2023 Chapter:** 199

**Code Section(s) Amended:** Government Code section 12096.3, Welfare and Institutions Code section 4646

**Code Section(s) Added:** Government Code sections 12100.170 and 12100.171

**Code Section(s) Repealed:** Government Code section 11139.8

**Privileged Communications Regarding Incidents of Sexual Assault, Harassment, or Discrimination; Attorney’s Fees and Treble Damages**

Assembly Bill 933 legally protects (or makes “privileged”) communications regarding an incident of sexual assault, harassment, or discrimination, provided the person who made the communication did so (1) without malice and (2) had a reasonable basis to file a complaint regarding an incident of sexual assault, harassment, or discrimination. Assembly Bill 933 specifically defines “communication” as factual information related to an incident of sexual assault, harassment, or discrimination, including, but not limited to, assault, harassment, or discrimination occurring in the context of employment, housing, and education. The bill authorizes attorney’s fees and damages to a prevailing defendant in any defamation action brought against that defendant for making such a communication.



**Bill Number and Title:** AB 933: Privileged communications: incident of sexual assault, harassment, or discrimination

**Author:** Aguiar-Curry

**Statutes of 2023 Chapter:** 670

**Code Section(s) Amended:** None

**Code Section(s) Added:** Civil Code section 47.1

**Code Section(s) Repealed:** None

### **Law Enforcement Hate Crimes Policy**

Assembly Bill 449 mandates the adoption of a hate crimes policy by a state and local law enforcement agency by July 1, 2024. The bill requires those policies to include (1) the supplemental hate crime report in the model policy framework developed by the Commission on Peace Officer Standards and Training and (2) a schedule of hate crime or related trainings the agency conducts. Assembly Bill 449 requires the Attorney General to review the submitted materials and requires the Department of Justice to instruct noncompliant agencies to submit compliant materials.

**Bill Number and Title:** AB 449: Hate crimes: law enforcement policies

**Author:** Ting

**Statutes of 2023 Chapter:** 524

**Code Section(s) Amended:** Penal Code sections 422.87, 13023, and 13519.6

**Code Section(s) Added:** None

**Code Section(s) Repealed:** None

### **Teleconference Open Meetings**

Senate Bill 544 adds, until January 1, 2026, additional, alternative provisions under which a state body may hold a meeting by teleconference. Among other things, the bill requires a majority of members of the body to be physically present at the same teleconference location. A member who participates remotely because of a disability-related need about which they have notified the body will count toward the majority required to be physically present if certain conditions are met. Those conditions include, but are not limited to, the requirement that a member participating remotely discloses the presence of any individual 18 years or older at the remote location and the nature of their relationship with the member.

SB 544 also, until January 1, 2026, removes the requirement that in order to hold a public meeting via teleconference, an advisory body must have a quorum of members physically present at a teleconference location. Instead, the bill requires at least one staff member to be physically present at that location.

**Bill Number and Title:** SB 544: Bagley-Keene Open Meeting Act: teleconferencing.

**Author:** Laird

**Statutes of 2023 Chapter:** 216

**Code Section(s) Amended:** Government Code sections 11123.5, 11124

**Code Section(s) Added:** Government Code sections 11123.2, 11123.5

**Code Section(s) Repealed:** None