

## Assembly Bill No. 1084

### CHAPTER 750

An act to add Part 2.57 (commencing with Section 55.7) to Division 1 of the Civil Code, relating to civil rights.

[Approved by Governor October 9, 2021. Filed with Secretary of State October 9, 2021.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1084, Low. Gender neutral retail departments.

Existing law, the Unruh Civil Rights Act, specifies that all persons within the jurisdiction of the state are free and equal, and no matter their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind.

This bill would require a retail department store that is physically located in California that has a total of 500 or more employees across all California retail department store locations that sells childcare items or toys to maintain a gender neutral section or area, to be labeled at the discretion of the retailer, in which a reasonable selection of the items and toys for children that it sells shall be displayed, regardless of whether they have been traditionally marketed for either girls or for boys.

Beginning on January 1, 2024, the bill would make a retail department store that fails to comply with these provisions liable for a civil penalty not to exceed \$250 for a first violation or \$500 for a subsequent violation, as provided.

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

SECTION 1. Part 2.57 (commencing with Section 55.7) is added to Division 1 of the Civil Code, to read:

#### PART 2.57. GENDER NEUTRAL RETAIL DEPARTMENTS

55.7. The Legislature finds and declares both of the following:

(a) Unjustified differences in similar products that are traditionally marketed either for girls or for boys can be more easily identified by the consumer if similar items are displayed closer to one another in one, undivided area of the retail sales floor.

(b) Keeping similar items that are traditionally marketed either for girls or for boys separated makes it more difficult for the consumer to compare the products and incorrectly implies that their use by one gender is inappropriate.

55.8. (a) A retail department store that offers childcare items or toys for sale shall maintain a gender neutral section or area, to be labeled at the discretion of the retailer, in which a reasonable selection of the items and toys for children that it sells shall be displayed, regardless of whether they have been traditionally marketed for either girls or for boys.

(b) This section shall apply only to retail department stores that are physically located in California that have a total of 500 or more employees across all California retail department store locations. This section shall not apply to retail department stores that are physically located outside California.

(c) Beginning on January 1, 2024, a retail department store that fails to comply with this section is liable for a civil penalty, not to exceed two hundred fifty dollars (\$250) for a first violation or five hundred dollars (\$500) for a subsequent violation, which may be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, or a district attorney or city attorney, in any court of competent jurisdiction. If the Attorney General, district attorney, or city attorney prevails in an action under this subdivision, the court shall award to the Attorney General, district attorney, or city attorney reasonable attorney's fees and costs.

(d) For purposes of this section:

(1) "Childcare item" means any product designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

(2) "Children" means persons 12 years of age or less.

(3) "Toy" means a product designed or intended by the manufacturer to be used by children when they play.