

SUMMARY OF CALIFORNIA TRANSGENDER ANTI-DISCRIMINATION LAW

1. Housing & Employment - California Fair Employment and Housing Act (FEHA)

Employment

It is unlawful for an employer to refuse to hire or employ a person or to discharge a person from employment or to discriminate against a person in compensation or in terms, conditions, or privileges of employment because of the person's gender identity. Cal. Gov't. Code Section 12940(a), Cal. Gov't Code Section 12926(p).

- Dress Codes:

Nothing in this part relating to gender-based discrimination affects the ability of an employer to require an employee to adhere to reasonable workplace appearance, grooming, and dress standards not precluded by other provisions of state or federal law, provided that an employer shall allow an employee to appear or dress consistently with the employee's gender identity. Cal. Gov't. Code Section 12949.

Housing

It shall be unlawful for the owner of any housing accommodation to discriminate against or harass any person because of gender identity.
Cal. Gov't. Code Section 12955(a)

2. Public Accommodations (any establishment that opens its doors up to the public, such as stores, hotels, hospitals, movie theaters) - The Unruh Civil Rights Act

All persons regardless of gender identity are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. Cal. Civ. Code section 51(b).

3. Insurance Contracts - The California Insurance Gender Non-Discrimination Act (AB 1586)

It is unlawful for an insurance or health care service plan to refuse to enter into any contract, or to cancel or decline to renew or reinstate any contract, because of a person's gender identity. Cal. Health and Safety Code Section 1365.5(a)

Also, it is unlawful for an insurance or health care service plan to modify the terms of the contract or to impose any limitations, exceptions, exclusions, reductions, copayments, coinsurance, deductibles, reservations, or other modifications because of a person's gender identity. Cal. Health and Safety Code Section 1365.5(b)

➔ **Please note that this DOES NOT MEAN that an insurer must offer an individual policy to a transgender person, or must offer a policy that includes coverage for hormone replacement**

therapy or transition-related surgery. Unfortunately, it is currently permissible for an insurance plan to contain exclusions for certain medical conditions, and insurers consider being transgender a medical condition. This law DOES MEAN that when an insurer offers a plan to a transgender person, the terms of the plan must apply equally to transgender and non-transgender people.

4. Education and School Safety - The California Student Civil Rights Act (SB 777)

The State of California must afford all persons in public schools equal rights and opportunities regardless of their gender identity. Cal. Ed. Code Section 200; See also, The California Student Civil Rights Act (SB 777)

5. Hate Crimes

"Hate crime" means a criminal act committed, in whole or in part, because of the actual or perceived gender identity of the victim. Cal. Penal Code section 422.55(a)(2), Cal. Penal section 422.56(c)

6. Change of Gender on California Birth Certificate, Court Ordered Gender Change - Health and Safety Code Section 103425

A person may petition the Superior Court of the California county in which they live for a change of gender and issuance of new birth certificate. To establish that a gender change has taken place, a person must provide an affidavit from a surgeon stating that the person has “undergone surgical treatment for the purpose of altering his or her sexual characteristics to those of the opposite sex.” Whether a certain type of surgery qualifies as changing a person’s sex characteristics is determined by a doctor in consultation with the person. Cal. Health and Safety Code Section 103425

7. Local Ordinances – check with your city or county to see if there are any additional civil rights protections for transgender people.