

General / Misc.

1. **CA Government Code § 37100:** expressly states that any law, measure, policy, order, ordinance or rule is null and void if it conflicts with the California Constitution or the U.S. Constitution.
2. **CA Civil Code § 43:** “Slander is a false and unprivileged publication, orally uttered, and also communications by radio or any mechanical or other means which . . . 2. Imputes in him the present existence of an infectious, contagious, or loathsome disease.”
3. **CA Penal Code 273a:** child endangerment = willfully exposing a child under the age 18 to unjustifiable pain, suffering, or danger. A person can be charged for subjecting the child to an unreasonable risk of harm, even if the child never suffers actual physical harm
4. **CA Penal Code 192b:** involuntary manslaughter [oh yes, I go here] = unintentional killing of another person, while committing either a crime that is not an inherently dangerous [felony](#), or a lawful act that might produce death.
5. **CA Penal Code Section 2052:** practicing medicine [includes giving medical advice] without a medical license

Public Accommodation

6. **CA Civil Code §51 (Unruh Civil Rights Act):** “... every person in this jurisdiction is free and equal and no matter what 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 whatsoever.
 1. (a) Whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, **up to a maximum of three times the amount of actual damage, but in no case less than four thousand dollars (\$4,000), and any attorney’s fees** that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 51, 51.5, or 51.6.
 2. (b) **Whoever denies the right** provided by Section 51.7 or 51.9, or aids, incites, **or conspires in that denial, is liable for each and every offense** for the actual damages suffered by any person denied that right and, in addition, the following:
 1. (1) An amount to be determined by a jury, or a court sitting without a jury, for exemplary damages.
 2. (2) **A civil penalty of twenty-five thousand dollars (\$25,000)** to be awarded to the person denied the right provided by Section 51.7 in any action brought by the person denied the right, or by the Attorney General, a district attorney, or a city attorney. An action for that penalty brought pursuant to Section 51.7 shall be commenced within three years of the alleged practice.
 3. (3) Attorney’s fees as may be determined by the court."

7. **CA Civil Code 52.1: Tom Bane Civil Rights Act:** “(b) If a person or persons, whether or not acting under color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney may bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the peaceable exercise or enjoyment of the right or rights secured. An action brought by the Attorney General, any district attorney, or any city attorney may also seek a civil penalty of twenty-five thousand dollars (\$25,000). If this civil penalty is requested, it shall be assessed individually against each person who is determined to have violated this section and the penalty shall be awarded to each individual whose rights under this section are determined to have been violated.”
8. **Title II of the Civil Rights Act of 1964** = the right to full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation. You cannot be treated differently by a place of public accommodation because of your race, color, religion, or national origin
9. **Title III of the Civil Rights Act of 1964** = Desegregation of Public Facilities - does *not* apply to schools but maybe we can find complimentary section?
10. **Title 28 CFR 36.202:** A [public accommodation](#) shall not subject an individual or class of individuals on the basis of a [disability](#) or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of a [place of public accommodation](#).
 1. EXCEPTION Section 36.102(b)(3): "direct threat" to others = "an individualized assessment based on reasonable judgment that relies on current medical knowledge or the best available objective evidence"

Business

11. **Business and Professions Code 16721:** “Recognizing that the California Constitution prohibits a person from being disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin, and guarantees the free exercise and enjoyment of religion without discrimination or preference. Recognizing that these and other basic, fundamental constitutional principles are directly affected and denigrated by certain ongoing practices in the business and commercial world, it is necessary that provisions protecting and enhancing a person’s right to enter or pursue business and to freely exercise and enjoy religion, consistent with law, be established.
 1. (a) No person within the jurisdiction of this state shall be excluded from a business transaction on the basis of a policy expressed in any document or writing and imposed by a third party where that policy requires discrimination against that person on the basis of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code or on the basis that the person conducts or has conducted business in a particular location.

2. (b) No person within the jurisdiction of this state shall require another person to be excluded, or be required to exclude another person, from a business transaction on the basis of a policy expressed in any document or writing that requires discrimination against that other person on the basis of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code or on the basis that the person conducts or has conducted business in a particular location.”

Employment

12. **Government Code 12940** [employment]: “It is an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

1. (a) For an employer, because of the race, **religious** creed, color, national origin, ancestry, **physical disability, mental disability, medical condition**, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status of any person, **to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, . . . or to discriminate against the person in compensation or in terms, conditions, or privileges of employment.”**

1. (1)(2) This part does **not** prohibit an employer from refusing to hire or discharging an employee with a physical or mental disability or medical condition, or subject an employer to any legal liability resulting from the refusal to employ or the discharge of an employee with a physical or mental disability, **if the employee, because of a physical or mental disability, is unable to perform the employee’s essential duties even with reasonable accommodations, or cannot perform those duties in a manner that would not endanger the employee’s health or safety or the health or safety of others even with reasonable accommodations.**
2. **12926 (q)**: “Religious creed,” “religion,” “religious observance,” “religious belief,” and “creed” include all aspects of religious belief, observance, and practice, including religious dress and grooming practices. “Religious dress practice” shall be construed broadly to include the wearing or carrying of religious clothing, **head or face coverings,** jewelry, artifacts, and any other item that is part of an individual observing a religious creed. “Religious grooming practice” shall be construed broadly to include all forms of head, facial, and body hair that are part of an individual observing a religious creed