

AMENDED IN ASSEMBLY MAY 3, 2017  
AMENDED IN ASSEMBLY MARCH 21, 2017  
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1576**

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**Introduced by Assembly Member Levine**

February 17, 2017

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An act to ~~add~~ *amend* Section ~~51.14~~ to *51.6* of the Civil Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 1576, as amended, Levine. Gender discrimination: pricing: goods.

Existing law, the Gender Tax Repeal Act of 1995, prohibits a business establishment from discriminating on the basis of gender with respect to the price charged for services of similar or like kind. Existing law excepts from this prohibition price differences based specifically upon the amount of time, difficulty, or cost of providing the services.

This bill ~~would enact the Gender Price Discrimination Act. The bill would~~ *amend the Gender Tax Repeal Act of 1995 to additionally* prohibit a business from discriminating with respect to the price charged for the same, or substantially similar, goods because of the gender of the targeted user of the good, as specified. The bill would authorize *specifically* the Attorney General, a district attorney, or a city attorney to prosecute a civil action for preventive relief for a violation of ~~this prohibition. the Gender Tax Repeal Act of 1995.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1     *SECTION 1. Section 51.6 of the Civil Code is amended to read:*

2     51.6. (a) This section shall be known, and may be cited, as the  
3     Gender Tax Repeal Act of 1995.

4     (b) (1) No business establishment of any kind whatsoever may  
5     discriminate, with respect to the price charged for services of  
6     similar or like kind, against a person because of the person’s  
7     gender.

8     (2) (A) *No business establishment of any kind whatsoever may*  
9     *discriminate, with respect to the price charged for goods of a*  
10    *substantially similar or like kind, because of the gender of the*  
11    *targeted user of the good. A good is targeted to a user of a*  
12    *particular gender if the good is designed or intended to be used*  
13    *by, or appeal to, a consumer of the good based on his or her gender*  
14    *as evidenced by either of the following:*

15    (i) *The content of any marketing materials, advertising*  
16    *materials, or packaging would suggest to a reasonable person*  
17    *that the product is targeted to a specific gender.*

18    (ii) *The business establishment placed the product in a location*  
19    *that was labeled for a specific gender.*

20    (B) *For the purposes of this paragraph, goods are of a*  
21    *substantially similar or like kind if the goods meet all of the*  
22    *following conditions:*

23    (i) *Share the same brand, kind, and quality.*

24    (ii) *Share the same functional components.*

25    (iii) *Share substantially the same materials or ingredients.*

26    (c) (1) *Nothing in paragraph (1) of subdivision (b) prohibits*  
27    *price differences based specifically upon the amount of time,*  
28    *difficulty, or cost of providing the services.*

29    (2) *Nothing in paragraph (2) of subdivision (b) prohibits:*

30    (A) *Price differences based on gender-neutral factors, including,*  
31    *but not limited to, labor, materials, tariffs, or inventory*  
32    *management.*

33    (B) *A retail establishment from passing through a price to the*  
34    *consumer that is set by a manufacturer, distributor, wholesaler,*  
35    *or other entity that the retailer cannot control.*

36    (d) *Except as provided in subdivision (f), the remedies for a*  
37    *violation of this section are the remedies provided in subdivision*

38    (a) *or (c) of Section 52. However, an action under this section is*

1 independent of any other remedy or procedure that may be  
2 available to an aggrieved party.

3 (e) This act does not alter or affect the provisions of the Health  
4 and Safety Code, the Insurance Code, or other laws that govern  
5 health care service plan or insurer underwriting or rating practices.

6 (f) (1) The following business establishments shall clearly and  
7 conspicuously disclose to the customer in writing the pricing for  
8 each standard service provided:

9 (A) Tailors or businesses providing aftermarket clothing  
10 alterations.

11 (B) Barbers or hair salons.

12 (C) Dry cleaners and laundries providing services to individuals.

13 (2) The price list shall be posted in an area conspicuous to  
14 customers. Posted price lists shall be in no less than 14-point  
15 boldface type and clearly and completely display pricing for every  
16 standard service offered by the business under paragraph (1).

17 (3) The business establishment shall provide the customer with  
18 a complete written price list upon request.

19 (4) The business establishment shall display in a conspicuous  
20 place at least one clearly visible sign, printed in no less than  
21 24-point boldface type, which reads: "CALIFORNIA LAW  
22 PROHIBITS ANY BUSINESS ESTABLISHMENT FROM  
23 DISCRIMINATING, WITH RESPECT TO THE PRICE  
24 CHARGED FOR SERVICES OF SIMILAR OR LIKE KIND,  
25 AGAINST A PERSON BECAUSE OF THE PERSON'S  
26 GENDER. A COMPLETE PRICE LIST IS AVAILABLE UPON  
27 REQUEST."

28 (5) A business establishment that fails to correct a violation of  
29 this subdivision within 30 days of receiving written notice of the  
30 violation is liable for a civil penalty of one thousand dollars  
31 (\$1,000).

32 (6) For the purposes of this subdivision, "standard service"  
33 means the 15 most frequently requested services provided by the  
34 business.

35 ~~SECTION 1. Section 51.14 is added to the Civil Code, to read:~~

36 ~~51.14. (a) This section shall be known, and may be cited, as~~  
37 ~~the Gender Price Discrimination Act.~~

38 ~~(b) A business shall not discriminate with respect to the price~~  
39 ~~charged for the same, or substantially similar, goods because of~~  
40 ~~the gender of the targeted user of the good. A good is targeted to~~

1 a user of a particular gender if the good is designed or intended to  
2 be used by, or appeal to, a consumer based on his or her gender  
3 as evidenced by either of the following:  
4 (1) ~~The content of marketing materials, advertising, or packaging~~  
5 ~~would suggest to a reasonable person that the product is targeted~~  
6 ~~to a specific gender.~~  
7 (2) ~~The business placed the product in a location that was labeled~~  
8 ~~for a specific gender.~~  
9 (e) ~~A violation of subdivision (b) may be prosecuted only by~~  
10 ~~the Attorney General, a district attorney, or a city attorney by a~~  
11 ~~civil action for preventive relief, including an application for a~~  
12 ~~permanent or temporary injunction, restraining order, or other~~  
13 ~~order against the person or persons responsible for the conduct.~~  
14 (d) ~~An action brought under this section is independent of any~~  
15 ~~other remedy or procedure that may be available to an aggrieved~~  
16 ~~party.~~