



PERK
Protection of the Educational Rights of Kids

ADDENDUM 6 **PROTECTIVE LAWS AGAINST DISCRIMINATION IN CALIFORNIA**

CALIFORNIA CODE, BUSINESS AND PROFESSIONS CODE - BPC § 16721

California Business and Professions Code § 16721 prohibits any person from being 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.

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; and 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.

(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 [\(c\) of Section 51 of the Civil Code](#) or on the basis that the person conducts or has conducted business in a particular location.

(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 [\(c\) of Section 51 of the Civil Code](#) or on the basis that the person conducts or has conducted business in a particular location.

(c) Any violation of any provision of this section is a conspiracy against trade.

(d) Nothing in this section shall be construed to prohibit any person, on this basis of his or her individual ideology or preferences, from doing business or refusing to do business with any other person consistent with law.

CALIFORNIA PENAL CODE 2052

Under **California Penal Code 2052**, it is a crime for any person to practice, attempt to practice, or advertise practicing, any treatment of the sick including diagnosis, operation, or prescription for an ailment, blemish, deformity, disease, disfigurement, disorder, injury, or any other physical or mental condition. MASKS are defined by the FDA as a Class II medical device. PCR tests are classified as a Class II medical device.

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfPCD/classification.cfm?ID=OEH>

ARTICLE 3. License Required and Exemptions [2050 - 2079]

(Article 3 added by Stats. 1980, Ch. 1313, Sec. 2.)

2052.

(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy provided by law.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=2052.&lawCode=BPC

CALIFORNIA PENAL CODE 236

Penal Code 236 PC is the **California** statute that defines the crime of false imprisonment. Under this **code** section, false imprisonment is “the unlawful violation of the personal liberty of another.” The commission of the crime means that one person restrains, detains, or confines another person without his/her consent.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=236.&lawCode=PEN

RALPH CIVIL RIGHTS ACT, CALIFORNIA CIVIL CODE SECTION 51 ET SEQ.

(a) This section shall be known, and may be cited, as the Ralph Civil Rights Act of 1976.

(b) (1) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of any characteristic listed or defined in subdivision (b) or (e) of Section 51, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

(2) For purposes of this subdivision, “intimidation by threat of violence” includes, but is not limited to, making or threatening to make a claim or report to a peace officer or law enforcement agency that falsely alleges that another person has engaged in unlawful activity or in an activity that requires law enforcement intervention, knowing that the claim or report is false, or with reckless disregard for the truth or falsity of the claim or report.

UNRUH CIVIL RIGHTS ACT

Discrimination against any individual. \$12,000 fine if violating the civil rights of another person.

(b) All persons within the jurisdiction of this state are 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.

(c) This section shall not be construed to confer any right or privilege on a person that is conditioned or limited by law or that is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, citizenship, primary language, or immigration status, or to persons regardless of their genetic information.

(d) Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction, alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any other structure, nor shall anything in this section be construed to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other laws.

(e) For purposes of this section:

(1) "Disability" means any mental or physical disability as defined in Sections 12926 and 12926.1 of the Government Code.

(2) (A) "Genetic information" means, with respect to any individual, information about any of the following:

(i) The individual's genetic tests.

(ii) The genetic tests of family members of the individual.

(iii) The manifestation of a disease or disorder in family members of the individual.

(B) "Genetic information" includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(C) "Genetic information" does not include information about the sex or age of any individual.

(3) "Medical condition" has the same meaning as defined in subdivision (i) of Section 12926 of the Government Code.

(4) "Religion" includes all aspects of religious belief, observance, and practice.

(5) "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender. "Gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

(6) "Sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status" includes a perception that the person has any particular characteristic or characteristics within the listed categories or that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics within the listed categories.

(7) "Sexual orientation" has the same meaning as defined in subdivision (s) of Section 12926 of the Government Code.

(f) A violation of the right of any individual under the federal Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.

(g) Verification of immigration status and any discrimination based upon verified immigration status, where required by federal law, shall not constitute a violation of this section.

(h) Nothing in this section shall be construed to require the provision of services or documents in a language other than English, beyond that which is otherwise required by other provisions of federal, state, or local law, including Section 1632.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51.&lawCode=CI
[V](#)

SECTION 12926 OF THE GOVERNMENT CODE

(i) “Medical condition” means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, “genetic characteristics” means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or that person’s offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or that person’s offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(j) “Mental disability” includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) “Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) “Major life activities” shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=12926

CODE §§ 51, ET SEQ. CIVIL CODE SECTION 54

Section 54 gives individuals with **medical conditions and disabilities** the same right as the general public to benefit from a businesses' services or products. Violations of **Section 504** and the ADA will also violate **California Civil Code Section 54**.

54. (a) Individuals with **disabilities** or medical conditions have the same right as the general public to the full **and** free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, **and** physicians' offices, public facilities, **and** other public places.

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=1.&title=&part=2.5.&chapter=&article

US PROTECTIVE LAWS AGAINST DISCRIMINATION

U.S. TITLE II AND TITLE III AND TITLE VII OF THE CIVIL RIGHT ACT OF 1964

Title II of **Civil Rights Act of 1964**, 42 U.S.C. § 2000 et seq. **Title II** prohibits discrimination in certain places of public accommodation, such as hotels, restaurants, nightclubs and theaters. Title VII of the U.S. Civil Right Act of 1964

Title VII of the **Civil Rights Act of 1964** is a federal **law** that protects employees against discrimination based on certain specified characteristics: race, color, national origin, sex, and religion. Under **Title VII**, an employer may not discriminate with regard to any term, condition, or privilege of employment.

42 U.S. CODE § 2000A

PUBLIC HEALTH AND WELFARE, CHAPTER 21 CIVIL RIGHTS, SUBCHAPTER II.
PUBLIC ACCOMMODATION: 42 U.S. Code § 2000a - Prohibition against discrimination or segregation in places of public accommodation

EQUAL ACCESS

(a) EQUAL ACCESS

All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) ESTABLISHMENTS AFFECTING INTERSTATE COMMERCE OR SUPPORTED IN THEIR ACTIVITIES BY STATE ACTION AS PLACES OF PUBLIC ACCOMMODATION; LODGINGS; FACILITIES PRINCIPALLY ENGAGED IN SELLING FOOD FOR CONSUMPTION ON THE PREMISES; GASOLINE STATIONS; PLACES OF EXHIBITION OR ENTERTAINMENT; OTHER COVERED ESTABLISHMENTS Each of the following establishments which serves the public is a place of public accommodation within the meaning of this subchapter if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

- (1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;
- (2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;
- (3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and
- (4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

(c) OPERATIONS AFFECTING COMMERCE; CRITERIA; “COMMERCE” DEFINED

The operations of an establishment affect commerce within the meaning of this subchapter if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers of a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, “commerce” means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) SUPPORT BY STATE ACTION

Discrimination or segregation by an establishment is supported by State action within the meaning of this subchapter if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof.

(e) PRIVATE ESTABLISHMENTS

The provisions of this subchapter shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

- Title VII of the Civil Rights Act of 1964 (42 United States Code (U.S.C.) 2000e)
 - Pregnancy Discrimination Act of 1978 (42 U.S.C. 2000e(k))
 - Title I, Americans with Disabilities Act of 1990 (42 U.S.C. 12101-12213)
 - Age Discrimination in Employment Act of 1967 (29 U.S.C. 621)
 - Equal Pay Act of 1963 (29 U.S.C. 206 (d))
 - Title I of the Civil Rights Act of 1991 (42 U.S.C. 2000(e)) section 1977A
 - Rehabilitation Act of 1973 sections 501 and 505 (U.S.C.)
- Discrimination and Harassment Prevention Policy Chapter 2 California Department of Food and Agriculture Section 1 Subsection 1 Page | 2 • Title II, Genetic Information Nondiscrimination Act of 2008, U.S.C. sections 201-213