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LIMITS ON USE OF FACILITIES IN GOVERNMENT BUILDINGS AND BUSINESSES. INITIATIVE STATUTE.

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April 17, 2015

VIA PERSONAL DELIVERY

The Honorable Kamala D. Harris, Attorney General
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

RECEIVED

APR 17 2015

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Ms. Johansson,

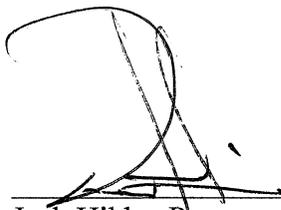
Pursuant to Article II, §10(d) of the California Constitution, the proponents respectfully submit the attached proposed statewide ballot initiative to your office and request that you prepare a title and summary as provided by law. Included with this submission are the required certifications and affidavits signed by the proponents under California Elections Code §§ 9001 and 9608. All proponents are citizens of the United States and registered to vote in California. In addition, please find the names and addresses of the proponents, along with a check for two hundred dollars (\$200.00).

Public Contact Information [Elections Code § 9001(b)(2)]: All inquires or correspondence relative to this initiative should be directed to 660 J Street, Suite 250, Sacramento, CA 95814, (916) 233-8769, attention: Karen England.

Very truly yours,



Kevin T. Snider, Attorney for Proponents
PACIFIC JUSTICE INSTITUTE – CENTER FOR PUBLIC POLICY



Jack Hibbs, Proponent



Gina Gleason, Proponent

Enclosures: 1. Proposed Initiative
 2. Proponents Names and Addresses
 3. Certifications
 4. Affidavits

PERSONAL PRIVACY PROTECTION ACT

In order to preserve fundamental interests in privacy, maintain public safety, and establish continued uniformity in building codes, the People of the State of California do enact the *Personal Privacy Protection Act* and do hereby add section 118501 to the Health and Safety Code as follows:

This Act shall be known as the Personal Privacy Protection Act.

(a) Notwithstanding any other provision of law, a person shall use facilities in accordance with their biological sex in all government buildings.

(b) A civil claim for violation of privacy shall lie against a government entity or a person for willful violation of this section. Such claim includes equitable relief and damages up to a maximum of three times the amount of actual damage but in no case less than \$4,000, and attorney's fees that may be determined by a court. A claim is limited to individuals whose privacy was actually violated while using facilities or who did not use facilities because of a violation under the Act.

(c) Notwithstanding any other provision of law, no business establishment shall be subject to criminal, civil, or administrative sanctions, or civil suits for requiring employees, patrons, students, or any other person to use facilities in accordance with their biological sex.

(d) Definitions:

(1) *Biological sex* means the biological condition of being male or female as determined at or near the time of birth or through medical examination or as modified by Health & Safety Code § 103425.

(2) *Business establishment* means any commercial or noncommercial entity open to, and serving, the public.

(3) *Facilities* mean restrooms, showers, dressing rooms, and locker rooms.

(4) *Government entity* shall include, but not be limited to, the state of California, any city, county, city and county, public university system, community college district, school district, special district, or any other political subdivision or governmental instrumentality of, or within, the state.

(5) *Government building* means a structure owned, rented or occupied by a government entity.

(6) *Law* means California statutes, regulations, codes, policies or other rule enacted by a government entity.

(e) **Exceptions:** This section does not apply to facilities constructed for single use. Further, this provision does not apply to (1) use of family restrooms or (2) facilities in which a child, or a person with a medical condition, requires the assistance of another.

(f) If the Attorney General fails to mount a defense of the Act against legal challenge, or appoint a special Attorney General to do so, initiative proponents shall have the right to act as the agent of California for purposes of any necessary defense of this Act against legal challenge.

(g) **Severability:** Any part of this Act held invalid shall be severable from the remaining portions.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

LIMITS ON USE OF FACILITIES IN GOVERNMENT BUILDINGS AND

BUSINESSES. INITIATIVE STATUTE. Prohibits individuals from using facilities in government buildings except in accordance with their sex as determined at birth, through medical examination, or court judgment recognizing a change of gender. Creates legal damages claim of at least \$4,000 against a government entity or person that violates the provision. Allows businesses to prohibit employees or patrons, including transgender people, from using facilities except in accordance with their sex as determined at birth, through medical examination, or court judgment. Exempts businesses from criminal and civil liability for implementing such a prohibition. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Increase in state court costs related to civil claims, not likely to exceed a few tens of millions of dollars annually. Unknown increase in state and local government costs related to actions taken to avoid, litigate, or remedy civil claims filed for violating the measure. Potential significant loss of federal funds.** (15-0019.)