An act to amend Section 51.6 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL’S DIGEST

SB 873, as introduced, Jackson. Gender: discrimination: pricing.

Existing law, the Gender Tax Repeal Act of 1995, prohibits a business establishment from discriminating against a person because of the person’s gender with respect to the price charged for services of similar or like kind and specifies that this prohibition does not apply to price differences based specifically upon the amount of time, difficulty, or cost of providing the services.

This bill would also prohibit a business establishment from discriminating against a person because of a person’s gender with respect to the price charged for any 2 consumer products from the same manufacturer that are substantially similar if those products are priced differently based on the gender of the individuals for whose use the products are intended or marketed, as specified.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.


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

SECTION 1. Section 51.6 of the Civil Code is amended to read:
51.6. (a) This section shall be known, and may be cited, as the 
(b) (1) No business establishment of any kind whatsoever may 
discriminate, with respect to the price charged for services of 
similar or like kind, against a person because of the person’s gender. *Nothing in this paragraph prohibits price differences based 
specifically on the amount of time, difficulty, or cost of providing 
the services.* 
(2) No business establishment of any kind whatsoever may 
discriminate, with respect to the price charged for any two 
consumer products from the same manufacturer that are 
substantially similar, if those products are priced differently based 
on the gender of the individuals for whose use the products are 
intended or marketed. For purposes of this paragraph, all of the 
following apply: 
(A) Two products are substantially similar if there are no 
substantial differences in the materials used in the products, the 
function of the products, and the functional design or features of 
the products. 
(B) A difference in color or packaging among consumer 
products shall not, by itself, be construed as a substantial 
difference. 
(C) *Nothing in this paragraph prohibits price differences based 
on bona fide factors other than gender, including, but not limited 
to, when a retail establishment passes through a price to the 
consumer that is set by a manufacturer, distributor, or other entity 
that is beyond the retailer’s control.* 
(d) Nothing in subdivision (b) prohibits price differences based 
specifically upon the amount of time, difficulty, or cost of 
providing the services. 
(e) Except as provided in subdivision (f), the remedies for a 
violation of this section are the remedies provided in subdivision 
(a) of Section 52. However, an action under this section is 
independent of any other remedy or procedure that may be 
available to an aggrieved party. 
(f) *This act does not alter or affect the provisions of the Health 
and Safety Code, the Insurance Code, or other laws that govern 
health care service plan or insurer underwriting or rating practices.*
The following business establishments shall clearly and
conspicuously disclose to the customer in writing the pricing for
each standard service provided:

(A) Tailors or businesses providing aftermarket clothing
alterations.

(B) Barbers or hair salons.

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

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

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

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

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

(6) For the purposes of this subdivision, “standard service”
means the 15 most frequently requested services provided by the
business.

(1) Commencing January 1, 2021, a city, county, or city and
county that issues business licenses shall provide a business, at
the time the business is issued the license or when the license is
renewed, written notice of these provisions in English, Spanish,
Chinese, Tagalog, Vietnamese, and Korean. In order to comply
with this paragraph, a city, county, or city and county may provide
the business with the notice created by the Department of
Consumer Affairs under subdivision (b) of Section 55.63.
(2) A city, county, or city and county that issues business licenses may increase the fee for that license in an amount not to exceed the reasonable costs of providing the written notice above.

(g) The Legislature finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.