


**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: June 19, 2018

TO: Honorable Members of the Rules, Elections & Intergovernmental Relations Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No: 18-0002-S69  
Assignment No: 18-06-0571

SUBJECT: Resolution to SUPPORT Various Bills related to LGBTQ Issues.

CLA RECOMMENDATION: Adopt Resolution (O'Farrell - Koretz) to include in the City's 2017-2018 State Legislative Program, SUPPORT for AB 1779 (Nazarian), AB 2119 (Gloria), AB 2153 (Thurmond), AB 2943 (Low), AB 3046 (Gipson), AB 1985 (Ting), AB 2291 (Chiu), SB 990 (Wiener), and SB 1343 (Mitchell) which provide various protections and regulations regarding the LGBTQ community.

SUMMARY

The Resolution (O'Farrell - Koretz), introduced May 30, 2018, advises that multiple measures to protect the rights of the LGBTQ community have recently been introduced in the California State Legislature. These measures include AB 1779, AB 2119, AB 2153, AB 2943, AB 3046, AB 1985, AB 2291, SB 990, and SB 1343. The Resolution further advises that the City of Los Angeles should continue to express its commitment to support policies that protect against any form of discrimination and notes that the City Council recently endorsed a series of recommendations from the City's Transgender Advisory Council to strengthen protections of the transgender community.

The Resolution recommends that the City SUPPORT AB 1779, AB 2119, AB 2153, AB 2943, AB 3046, AB 1985, AB 2291, SB 990, and SB 1343 which further protect the rights of transgender individuals and of the LGBTQ community as a whole.

BACKGROUND

Below is a summary of the nine bills included in the Resolution, including any relevant information pertaining to the bills.

**AB 1779 (Nazarian)**

Existing law prohibits mental health providers from performing sexual orientation change efforts with any patient under 18 years of age. Any sexual orientation change efforts attempted on a patient under 18 will be considered unprofessional conduct and shall result in discipline by the provider's licensing entity.

AB 1779 would expand this protection by prohibiting a mental health provider from engaging in sexual orientation change efforts with any patient under a conservatorship or a guardianship, regardless of age. The provision in existing law of disciplinary action by the provider's licensing body would remain unchanged by this bill.

### **AB 2119 (Gloria)**

Existing law provides that all minors and nonminors living in foster care have specified rights, including but not limited to, medical, dental, vision, and mental health services. AB 2119 includes a statement of legislative findings and declarations of the Legislature's intent to ensure the well-being of all foster children, including those who are transgender or gender nonconforming, as well as ensuring appropriate gender-affirming medical care in order to avoid negative health outcomes later in life.

The bill would require that all minors and nonminors in foster care also have the right to access gender affirming health care and gender affirming behavioral health care, defined as services that respect the gender identity of the patient. The bill would additionally prevent any licensed professional, or any other individual, from treatment, intervention, or conduct that seeks to change the foster child's or nonminor dependent's gender identity.

### **AB 2153 (Thurmond)**

It is the policy of the State of California to afford all persons in public schools, regardless of any identifiers or traits, equal rights and opportunities in the educational institutions of the state. AB 2153 includes a statement of legislative finding and declarations stating that LGBTQ pupils are more likely to be harassed or bullied, but do not report these instances due to their perception that no effective intervention would occur. Providing a supportive learning environment for LGBTQ pupils improves their performance in school and provision of appropriate intervention by school personnel may lower levels of victimization.

AB 2153 would require that each school operated by a school district provide in-service training to teachers of pupils in grades 7 to 12, and all other certificated employees, on schoolsite and community resources for the support of LGBTQ pupils, as well as strategies to increase support for LGBTQ pupils. Schoolsite and community resources are defined in the bill.

### **AB 2943 (Low)**

The Consumer Legal Remedies Act makes unlawful certain unfair methods of competition or deceptive practices intended to result in the sale of goods or services. Whereas contemporary science recognizes that being lesbian, gay, bisexual, or transgender is not a disorder or illness, sexual orientation change efforts can pose multiple critical health risks to LGBTQ people including depression, anxiety, and self-destructive behavior.

AB 2943 would prohibit, under the Consumer Legal Remedies Act, advertising, offering for sale, or selling services constituting sexual orientation change efforts to an individual. Sexual orientation change efforts are defined in the bill as any practices that seek to change an individual's sexual orientation.

### **AB 3046 (Gipson)**

Existing law provides that all minors and nonminors living in foster care have specified rights, including, but not limited to, medical, dental, vision, and mental health services.

AB 3046 would expand on the rights already provided to all minors and nonminors in foster care, including providing access to health records, community programs, computer technology, and the

internet. The bill would also add protections for LGBTQ youths in foster care, especially in regards to privacy and appropriate gender affirming health care. These rights include the right to be referred to by the youth's preferred name and gender pronoun, as well as the right to maintain the privacy of the youth's gender identity and lesbian, gay, bisexual, transgender, queer, or questioning statuses.

#### **AB 1985 (Ting)**

Under existing law, a hate crime is defined as a criminal act committed, in whole or in part, due to actual or perceived characteristics of the victim, including, among other things, disability. The Commission on Peace Officer and Standards and Training (POST) develops guidelines for the instruction and training of law enforcement officers in addressing hate crimes.

AB 1985 would clarify that a disability is protected under the law regardless of whether it is temporary, permanent, congenital, or acquired by heredity, accident injury, advanced age, or illness. The bill would also require that local law enforcement agencies include new policies or frameworks developed by the POST in any updates to an existing hate crimes policy or a new hate crimes policy.

This bill was signed by the Governor and subsequently chaptered by the Secretary of State on June 13, 2018.

#### **AB 2291 (Chiu)**

The Safe Place to Learn Act requires the State Department of Education to assess whether local educational agencies have taken certain actions related to educational equity, including adopting a policy that prohibits discrimination, harassment, intimidation, and bullying based on specified characteristics.

AB 2291 would require that local education agencies adopt procedures for preventing acts of bullying or cyberbullying. The bill would additionally require the Department of Education to develop and post an online training module to assist all school staff, administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyber bullying.

#### **SB 990 (Wiener)**

Persons under the jurisdiction of the Department of Corrections and Rehabilitation or sentenced to county jail have the right to petition the court to obtain a name or gender change. Existing law requires the department or county jail to use the new name of a person who obtains a name change in all documentation of the person, with the prior name listed only as an alias. SB 990 would additionally require that department staff, county jail staff, or contractors use the new name of a person who has obtained a name change in all verbal communications to, or regarding said person.

Existing law requires the Department of Corrections and Rehabilitation to consider certain factors in their inmate classification and housing assignment procedures to prevent sexual violence and promote inmate safety. This bill would require that the department or county jail staff, during the initial intake and classification process, afford each individual entering custody an opportunity to specify their gender identity, preferred first name, gender pronoun, and honorific. Further, SB 990 would require any person in custody of the department or a county jail that must be separated from the general population due to being at increased risk for sexual victimization or other forms of assault have equal access to programs and work opportunities, to the fullest extent possible, as individuals housed in the general population.

The bill would additionally require the department to report annually on progress towards proving equal access to programs and work opportunities as specified.

**SB 1343 (Mitchell)**

The California Fair Employment and Housing Act makes specified employment practices unlawful, including the harassment of an employee directly or indirectly by an employer. Employers with 50 or more employees are required to provide at least two hours of prescribed training and education regarding sexual harassment, abusive conduct, and harassment based on gender, to all supervisory employees within six months of their assumption of a supervisory position and once every two years afterwards.

SB 1343 would instead require an employer who employs five or more employees, including temporary or seasonal employees, to provide at least two hours of sexual harassment training to all employees by January 1, 2020 and once every two years afterwards. The bill would also require the Department of Fair Housing and Employment to develop or obtain a two-hour online training course on the prevention of sexual harassment in the workplace. The department would be required to make the resource available for streaming or download on the department's website and provide existing informational materials regarding sexual harassment prevention online.

Support for AB 1779, AB 2119, AB 2153, AB 2943, AB 3046, AB 1985, AB 2291, SB 990, and SB 1343 is consistent with City efforts to protect the rights, well-being, and safety of the LGBTQ community.

**DEPARTMENTS NOTIFIED**

None

**BILL STATUS**

**AB 1779 (Nazarian)**

01/04/18	Introduced
01/22/18	Referred to Committee on Business & Professions
04/05/18	Amended and re-referred to Business & Professions
04/05/18	Read second time and amended
04/09/18	Referred to Committee on Business & Professions

**AB 2119 (Gloria)**

02/08/18	Introduced
02/22/18	Referred to Committee on Human Services
04/04/18	Amended and re-referred to Committee on Human Services
04/11/18	Approved by Committee on Human Services and re-referred to Committee on Appropriations
05/09/18	Approved Committee on Appropriations
05/10/18	Read second time, ordered to third reading
05/21/18	Passed by the Assembly and ordered to the Senate
05/22/18	Read first time in the Senate
05/30/18	Referred to Committee on Human Services and Committee on Judiciary
06/13/18	Approved by Committee on Human Services and re-referred to Committee on Judiciary

**AB 2153 (Thurmond)**

02/12/18 Introduced  
02/26/18 Referred to Committee on Education  
03/22/18 Approved by Committee on Education and re-referred to the Committee in Appropriations  
05/25/18 Approved as amended by the Committee on Appropriations  
05/25/18 Read second time and amended, ordered returned to second reading  
05/29/18 Ordered to third reading  
05/31/18 Passed by the Assembly and ordered to the Senate  
06/04/18 Read first time in Senate  
06/13/18 Referred to Committee on Education.

**AB 2943 (Low)**

02/16/18 Introduced  
03/15/18 Referred to Committee on Privacy & Consumer Protection and Committee on Judiciary  
03/23/18 Amended and re-referred to Committee on Judiciary  
04/04/18 Approved by Committee on Privacy & Consumer Protection and re-referred to the Committee on Judiciary  
04/10/18 Approved by Committee on Judiciary  
04/11/18 Read second time, ordered to third reading  
04/19/18 Passed by the Assembly, ordered to the Senate  
04/19/18 First reading in the Senate  
05/03/18 Referred to Committee on Judiciary and Committee on Appropriations  
05/30/18 Amended, re-referred to Committee on Judiciary  
06/13/18 Approved by Committee on Judiciary  
06/13/18 Re-referred to Committee on Appropriations

**AB 3046 (Gipson)**

02/16/18 Introduced  
03/12/18 Referred to Committee on Human Services and Committee on Judiciary

**AB 1985 (Ting)**

01/31/18 Introduced  
02/08/18 Referred to Committee on Public Safety  
02/28/18 Amended and re-referred to Committee on Public Safety  
03/06/18 Approved by Committee on Public Safety and ordered to Consent Calendar  
03/15/18 Passed by the Assembly, ordered to the Senate  
03/15/18 First reading in the Senate  
04/19/18 Referred to Committee on Public Safety  
04/30/18 Amended, re-referred to Committee on Public Safety  
05/15/18 Approved by Committee on Public Safety, ordered to Consent Calendar  
05/21/18 Passed by the Senate, ordered to the Assembly  
06/04/18 Senate amendment concurred  
06/13/18 Approved by the Governor and chaptered by Secretary of State

**AB 2291 (Chiu)**

02/13/18 Introduced  
03/01/18 Referred to Committee on Education

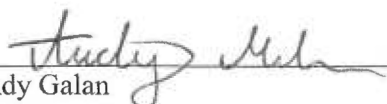
04/19/18	Approved as amended by Committee on Education
04/23/18	Read second time and amended
04/24/18	Re-referred to Committee on Appropriations
05/02/18	Approved by Committee on Appropriations, ordered to Consent Calendar
05/10/18	Passed by the Assembly, ordered to the Senate
05/10/18	First reading in the Senate
05/24/18	Referred to Committee on Education
06/12/18	Approved as amended by Committee on Education, re-referred to Committee on Appropriations
06/13/18	Read second time and amended, re-referred to Committee on Appropriations

**SB 990 (Wiener)**

02/05/18	Introduced
02/14/18	Referred to Committee on Rules
03/14/18	Amended and re-referred to Committee on Rules
03/21/18	Re-referred to Committee on Public Safety and Committee on Judiciary
04/11/18	Approved by Committee on Rules, re-referred to Committee on Judiciary
04/25/18	Approved by Committee on Judiciary, re-referred to Committee on Appropriations
05/25/18	Approved as amended by Committee on Appropriations
05/25/18	Read second time and amended, ordered to second reading
05/29/18	Read second time, ordered to third reading
05/30/18	Passed by the Senate, ordered to the Assembly
05/31/18	First reading in the Assembly
06/07/18	Referred to Committee on Public Safety and Committee on Judiciary

**SB 1343 (Mitchell)**

02/16/18	Introduced
03/01/18	Referred to Committee on Labor and Industrial Relations and the Committee on Judiciary
04/11/18	Approved by Committee on Labor and Industrial Relations and re-referred to the Judiciary Committee
04/18/18	Approved by Committee on Judiciary and re-referred to Committee on Appropriations
04/19/18	Amended and re-referred to Committee on Appropriations
05/25/18	Approved by Committee on Appropriations
05/29/18	Read second time, ordered to third reading
05/30/18	Passed by the Senate, ordered to Assembly
05/31/18	First reading in the Assembly

  
 Andy Galan  
 Analyst

## RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, multiple measures have recently been introduced in the California State Legislature to further protect the rights of transgender individuals and the LGBTQ community as a whole, including:

- **Assembly Bill 1779 (Nazarian):** This bill will prohibit mental health providers from performing sexual orientation change efforts (a.k.a. “conversion therapy”) on any patient who is under a conservatorship or a guardianship, with any violations subject to discipline by the provider’s licensing entity as “unprofessional conduct.”
- **Assembly Bill 2119 (Gloria):** This bill will give all youths in foster care the right to have access to gender affirming health care and gender affirming behavioral health care, and would prohibit anyone from subjecting a person in foster care to any treatment, intervention, or conduct that seeks to change their identity.
- **Assembly Bill 2153 (Thurmond):** This bill will require every public and charter school to provide in-service training within the first six weeks of each school year to all teachers of grades 7 to 12, and all other certificated employees at that school, regarding school- and community-based resources that are available to support lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) pupils.
- **Assembly Bill 2943 (Low):** This bill declares that any “sexual orientation change efforts,” as defined, are fraudulent and an unlawful business practice under the state’s Consumer Legal Remedies Act. Individuals who provide such services as “conversion therapy” could be sued by an injured consumer who may be entitled to recover damages and/or restitution if deemed proper by the courts.
- **Assembly Bill 3046 (Gipson):** This bill gives youths in foster care the right to be referred to by the youth’s preferred name and gender pronoun; the right to maintain the privacy of the youth’s lesbian, gay, bisexual, transgender, queer, and questioning status and gender identity; and the right to have reasonable access to computer technology and the internet.
- **Assembly Bill 1985 (Ting):** This bill would clarify that a disability is protected under the law regardless of whether it is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness. The bill would also require any local law enforcement agency that updates an existing hate crime policy or adopts a new hate crime

policy to include, among other things, the model policy framework developed by Peace Officer Standards and Training (POST) and information regarding bias motivation.

- **Assembly Bill 2291 (Chiu):** This bill requires schools to adopt, by December 31, 2019, procedures to prevent bullying; requires the California Department of Education (CDE) to post on CDE's website the online training module on bullying CDE is currently developing and annually update on its website a list of available online training modules on bullying; and requires schools to make the online training available to school-site employees. It also requires schools to adopt, on or before December 31, 2019, procedures for preventing acts of bullying.
- **Senate Bill 990 (Wiener):** This bill requires (1) that all staff and contractors of the California Department of Corrections and Rehabilitation (CDCR) or a county jail use the new name of a person who has obtained a name change in all verbal communications to or regarding the person; (2) that during the initial intake and classification process, CDCR or jail staff afford each individual entering into custody an opportunity to specify the person's gender identity, preferred first name, gender pronoun and honorific, as defined; (3) that a person in the custody of CDCR or a county jail who is placed for more than 5 days in a setting other than general population housing, as specified, have equal access to programming and work opportunities, to the fullest extent possible, as provided to individuals housed in general population; (4) that CDCR report annually to the Legislature on its progress toward providing equal access to programs and work opportunities; (5) and that staff and contractors of CDCR and the county jails consistently use the gender pronoun and honorific an individual has specified in all verbal and written communications with or regarding that individual.
- **SB 1343 (Mitchell):** This bill would make several modifications to California's workplace sexual harassment prevention training requirements to include all employees (not just supervisory employees) and all workplaces with more than five employees (not just those with more than 50 employees). In addition, the bill would direct the Department of Fair Employment and Housing to develop a two hour video training course on workplace sexual harassment prevention, to be hosted on its Web site and made available to all California employers. Finally, the bill would require the department to make its workplace sexual harassment poster, information sheet, and training video available in at least three "alternate" languages.

WHEREAS, the City of Los Angeles continues to express its strong commitment to support policies that protect against any form of discrimination based on race, ethnicity, national origin, religion, sexual orientation and identification, and disability; and

WHEREAS, the City Council recently endorsed a series of recommendations from the City's Transgender Advisory Council to strengthen protections of the transgender community, including improved transgender cultural sensitivity training for City employees, and ensuring equal access to housing for all transgender individuals (CF 17-0356).



NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby include in its 2017-2018 State Legislative Program SUPPORT for AB 1779 (Nazarian), AB 2119 (Gloria), AB 2153 (Thurmond), AB 2943 (Low), AB 3046 (Gipson), AB 1985 (Ting), AB 2291 (Chiu), SB 990 (Wiener), and SB 1343 (Mitchell) to continue to establish reasonable legal protections that uphold the rights of our transgender community and all LGBTQ individuals.

PRESENTED BY: \_\_\_\_\_  
MITCH O'FARRELL  
Councilmember, 13<sup>th</sup> District

SECONDED BY: \_\_\_\_\_

MAY 30 2018