



Written by [James Murphy](#) on February 26, 2021

California Assembly Mulls Bill That Would Fine Retailers for Having Separate Girls and Boys Departments

The California Assembly is currently considering a bill that would fine retailers \$1,000 if they choose to have separate departments for boys and girls toys, childcare products, and apparel. [The bill](#), AB-2826, is the brainchild of Evan Low (D-Cupertino) who, along with Cristina Garcia (D-Los Angeles) introduced the bill for consideration.

The bill cites California's Unruh Civil Rights Act as a justification for the seemingly absurd new regulation.

From the bill: "Existing law, the Unruh Civil Rights Act, specifies that all persons within the jurisdiction of the state are free and equal, and no matter 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."

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So, a bill regulating how children's toys and clothing may be displayed is a civil rights issue now?

Low, who is a member of California's Legislative LGBT Caucus, told *Politico* recently that the bill came about because a staffer's daughter asked why certain items that she wanted were designated for boys. "This is an issue of children being able to express themselves without bias," Low said.

Brick and mortar retailers would be forced to create an undivided unisex area on their sales floor, which would display clothing and toys in a gender neutral manner. Stores would also be prohibited from putting up signage which might indicate if a clothing item or a toy was meant for a boy or a girl.

The bill demands, "A retail department store shall maintain one, undivided area of its sales floor where, if it sells children's clothing (or toys or childcare items), all clothing for children (or toys or childcare items), regardless of whether a particular item has been traditionally marketed for either girls or boys, shall be displayed."

Reportedly, retailers that sell children's products online would have to create pages that sell clothes and toys in gender neutral ways as well. Retailers would only be allowed to title such pages as "kids,"

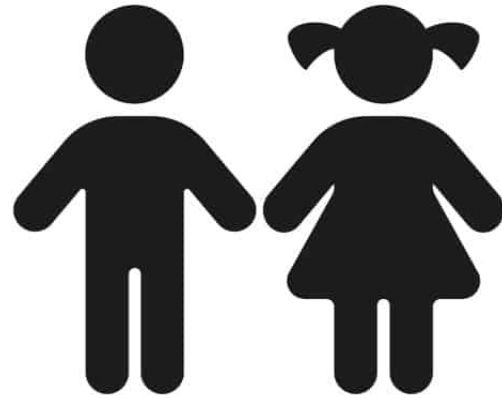


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“unisex” or “gender neutral.”

Some retailers and toy makers are already moving toward more “gender neutral” marketing. Back in 2015, Target announced that it was doing away with separate girl and boy sections for bedding and toys. Hasbro, the manufacturer of the popular Mr. Potato Head toy, announced just this week that is dropping the “mister” from the toy’s marketing. From now on it’ll be known as simply “Potato Head.” Even Mattel’s Barbie dolls have received a social-justice makeover in the past year.

Why does the California state government need to get involved?

Low originally introduced the bill last year but dropped the effort in May in order to focus the legislature’s efforts on COVID-19 response. At that time, Low promised future action on the bill, saying, “The policy behind this bill is not only important in regards to addressing perceived societal norms but also ensuring that prejudice and judgment does not play a prominent role in our children’s lives. I look forward to working on this issue in the future.”

But at a time when California’s retailers are still being hammered by COVID-19 restrictions across the state, and are only operating at 25 percent of capacity, is it really appropriate to add yet another bureaucratic hurdle in their way?

The *Orange County Register*, a newspaper based in Anaheim, [certainly doesn’t think so](#).

“California doesn’t need additional laws that micromanage and punish businesses. This self-proclaimed civil rights bill actually cheapens the noble intent of the Unruh Law. It’s one thing to forbid companies from discriminating against people, but quite another to tell them how to market and merchandise sale items with the goal of changing public perceptions of gender roles.”

Not only is AB-2826 masquerading as a “civil rights bill,” it’s lacking in any relevance to the problems of current-day California.

Instead of addressing the mass exodus from the state to places where taxation and regulation are less cumbersome, California offers new regulation, which is likely to drive more residents away. Instead of addressing the state’s massive problem with homelessness, Low instead offers a sop to his LGBT constituency — a bill which offers no solutions to any real problems, but instead invites national ridicule because of its inanity.



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