

State of California  Department of Justice

OFFICE of the ATTORNEY GENERAL

## PROHIBITION ON STATE-FUNDED AND STATE-SPONSORED TRAVEL TO STATES WITH DISCRIMINATORY LAWS (ASSEMBLY BILL NO. 1887)

In AB 1887, the California Legislature determined that "California must take action to avoid supporting or financing discrimination against lesbian, gay, bisexual, and transgender people." (Gov. Code, § 11139.8, subd. (a)(5).) To that end, AB 1887 prohibits a state agency, department, board, or commission from requiring any state employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that (1) has the effect of voiding or repealing existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; (2) authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression; or (3) creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. (Gov. Code, § 11139.8, subds. (b)(1), (2).) In addition, the law prohibits California from approving a request for state-funded or state-sponsored travel to such a state. (Gov. Code, § 11139.8, subd. (b)(2).)

The travel prohibition applies to state agencies, departments, boards, authorities, and commissions, including an agency, department, board, authority, or commission of the University of California, the Board of Regents of the University of California, and the California State University. (Gov. Code, § 11139.8, subd. (b).)

The law also requires the Attorney General to develop, maintain, and post on his Internet Web site a current list of states that are subject to the travel ban. (Gov. Code, § 11139.8, subd. (e).)

### States Subject to AB 1887's Travel Prohibition

The following states are currently subject to California's ban on state-funded and state-sponsored travel:

1. Alabama
2. Kansas
3. Kentucky
4. Mississippi
5. North Carolina
6. South Dakota
7. Tennessee
8. Texas

### Exceptions

The Legislature created exceptions in AB 1887 that allow travel to banned states in certain circumstances. (Gov. Code, § 11139.8, subd. (c).) These exceptions only apply if travel to a subject state is "required." (*Ibid.*)

Specifically, AB 1887 does not apply to state travel that is required for any of the following purposes:

1. Enforcement of California law, including auditing and revenue collection.
2. Litigation.

3. To meet contractual obligations incurred before January 1, 2017.
4. To comply with requests by the federal government to appear before committees.
5. To participate in meetings or training required by a grant or required to maintain grant funding.
6. To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not subject to the travel prohibition.
7. For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office.

(Gov. Code, § 11139.8, subd. (c).)