

ASSEMBLY BILL

No. 2549

**Introduced by Assembly Members Mia Bonta, Muratsuchi, and
Akilah Weber
(Coauthor: Assembly Member Lee)**

February 17, 2022

An act to add Division 121 (commencing with Section 152000) to the Health and Safety Code, relating to harassment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as introduced, Mia Bonta. Street harassment prevention.

Existing law requires the State Department of Public Health, through its Office of Health Equity, to perform strategic planning relating to gaps in health status and access to care among the state's diverse racial and ethnic communities, women, persons with disabilities, and the lesbian, gay, bisexual, transgender, queer, and questioning communities. Existing law requires the office to report to the Legislature on its activities on multicultural health.

Existing law makes it unlawful to, by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in whole or in part because of one or more of certain actual or perceived characteristics of the victim, as specified. Existing law also sets forth various criminal or civil penalties for different offenses involving certain forms of harassment.

This bill would require the department to conduct research and a 5-year, statewide, public campaign to raise awareness and understanding of street harassment as a public health problem in the state with the purpose of preventing its occurrence. The bill would define "street harassment" as words, gestures, or actions directed at a specific person

in a public place, as defined, without the consent of that person, based on the person’s actual or perceived race, ethnicity, religion, disability, age, sex, gender, gender identity, gender expression, or sexual orientation, that the person experiences as intimidating, alarming, terrorizing, or threatening to their safety. The bill would make related legislative findings.

The bill would require the department to conduct the research through surveys and focus groups, identifying subpopulations at disproportionate risk of experiencing street harassment. The bill would require the department to prepare a report, proposing strategies and policies to prevent and respond to street harassment, and, no later than January 1, 2024, to submit the report to the Legislature and the Governor and to publish it on the department’s internet website.

The bill would require the department to commence the public campaign on January 1, 2023, conducting it online and in physical locations. The bill would require the department to, among other things, collaborate with community-based organizations to develop culturally relevant content, to annually evaluate the effectiveness of the campaign, and to prepare and publish on its internet website an annual report describing the campaign’s activities, effectiveness, and gaps, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) The COVID-19 global pandemic and its ensuing
4 shelter-in-place or stay-at-home directives drastically impacted
5 the lives of women. In California and in the rest of the country,
6 women bear multiple challenges, such as family, work, remote
7 learning, and caregiving. A report by the Center for the
8 Advancement of Women at Mount Saint Mary’s University found
9 that, for California’s women of color, the pandemic not only
10 multiplied but also reinforced existing intersecting hardships.
11 (b) The Public Policy Institute of California found that, prior to
12 the COVID-19 pandemic, women of color were overrepresented
13 in the leisure, hospitality, and personal care sectors of the state’s
14 economy. These job sectors have sustained major losses during

1 the pandemic, which greatly impacted its workers. According to
2 a 2021 report by the Healthy Nail Salon Collaborative and the
3 UCLA Labor Center, 48 percent of nail salon workers obtained
4 food for their households from food banks after the COVID-19
5 pandemic started, with 86 percent earning less than \$400 a week.

6 (c) Furthermore, women of color are also overrepresented in
7 pandemic essential and frontline jobs, which were and still are
8 crucial, but nevertheless also dangerous in light of the risks and
9 harms of the pandemic.

10 (d) The reports of the Stop AAPI Hate coalition indicate that,
11 since the beginning of the pandemic, Asian American and Pacific
12 Islander (AAPI) women have been experiencing hate incidents
13 and street harassment in their daily lives. The data of Stop AAPI
14 Hate show the same alarming trend for AAPI women both
15 nationally and in California. In June 2020, Stop AAPI Hate released
16 its first California report documenting over 800 hate incidents in
17 three months. Asian American women reported almost twice as
18 many incidents as men. More than a year later, this disturbing trend
19 continues unabated, with a majority of AAPI women reporting
20 sexist and racist verbal harassment, often in public spaces.

21 (e) Street harassment of women is pervasive, common, and
22 global. Harassment of this nature includes unwanted sexual and
23 racialized comments and actions, and other threatening behavior.

24 (f) Street harassment is a pernicious cultural norm that exists
25 largely unchecked in the United States. A 2019 California statewide
26 study by the Center on Gender Equity and Health at UC San Diego
27 found that women in California are more often targets of street
28 harassment than men, and women who identify as lesbian or
29 bisexual experience more street harassment and assault than
30 heterosexual women.

31 (g) Women report that street harassment often occurs in public
32 places, including on streets, in stores, or on public transit, and is
33 predominantly inflicted by strangers.

34 (h) Street harassment threatens the safety of women and other
35 vulnerable groups and restricts their freedom of movement. The
36 ability to move freely through public spaces is central to one's
37 autonomy, well-being, and ability to care for one's self and family.

38 (i) Despite its grave consequences and disproportionate impact
39 on women and other vulnerable groups, street harassment is not
40 taken seriously and exists on the periphery of public policy

1 solutions. Meanwhile, state and federal laws prohibit gender based
2 harassment in the workplace and in educational settings as unlawful
3 discrimination.

4 (j) A legislative effort to address street harassment of women
5 and other vulnerable groups is needed.

6 (k) Street harassment is a public health concern, and reducing
7 street harassment will protect the health and safety of the
8 individuals who are targeted for harassment.

9 SEC. 2. Division 121 (commencing with Section 152000) is
10 added to the Health and Safety Code, to read:

11
12 DIVISION 121. STREET HARASSMENT PREVENTION
13

14 152000. For purposes of this division, the following definitions
15 apply:

16 (a) "Department" means the State Department of Public Health,
17 unless otherwise specified.

18 (b) "Public place" means an area open to the public or to which
19 the public has access, including, but not limited to, a street,
20 sidewalk, park, or parking lot, or a building open to or frequented
21 by the public.

22 (c) "Street harassment" means words, gestures, or actions
23 directed at a specific person in a public place, without the consent
24 of that person, based on the person's actual or perceived race,
25 ethnicity, religion, disability, age, sex, gender, gender identity,
26 gender expression, or sexual orientation, that the person
27 experiences as intimidating, alarming, terrorizing, or threatening
28 to their safety.

29 152001. (a) The department shall conduct research and prepare
30 a report on street harassment in the state pursuant to this section.

31 (b) (1) The department shall conduct the research through
32 surveys of impacted populations and focus groups with impacted
33 subpopulations who are underrepresented in surveys.

34 (2) The research shall include all of the following components:

35 (A) The demographic characteristics of persons who experience
36 street harassment.

37 (B) The gender and age range of persons who engage in street
38 harassment.

39 (C) Which types of street harassment occur.

40 (D) Where and when street harassment occurs.

1 (E) The frequency of street harassment.

2 (F) Whether persons who engage in street harassment are
3 pedestrians, drivers, passengers on public transit or in private
4 vehicles, or patrons in businesses.

5 (G) The actual or perceived characteristics that serve as the
6 basis for street harassment.

7 (H) The impact of street harassment on persons experiencing
8 it, including their mental health, feelings of safety and freedom of
9 movement, and mobility in public places.

10 (3) The research shall identify subpopulations at disproportionate
11 risk of experiencing street harassment. The surveys and focus
12 groups shall be conducted in multiple languages in order to reach
13 limited-English-proficient populations impacted by street
14 harassment.

15 (c) (1) The report specified in subdivision (a) shall describe the
16 results of the research and shall propose strategies and policies to
17 prevent and respond to street harassment. The report shall exclude
18 any personally identifiable information of individuals who are
19 subjects of the research.

20 (2) No later than January 1, 2024, the department shall submit
21 the report to the Legislature, in accordance with Section 9795 of
22 the Government Code, and to the Governor, and shall publish the
23 report on the department's internet website.

24 (d) The department may collaborate with, among other entities,
25 the Center on Gender Equity and Health at the University of
26 California San Diego and the Center for the Advancement of
27 Women at Mount Saint Mary's University to meet the requirements
28 of this section.

29 152002. (a) Commencing January 1, 2023, the department
30 shall conduct a five-year, statewide, public campaign to raise
31 awareness and understanding of street harassment as a public health
32 problem in the state with the purpose of preventing its occurrence.

33 (b) (1) The department shall conduct the campaign online and
34 in physical locations, such as sidewalks, parks, and public transit
35 stops and stations, and shall employ multiple media, including,
36 but not limited to, television, radio, newspapers, internet websites,
37 social media, and signs.

38 (2) The campaign shall include content targeted at specific
39 demographics, with a focus on subpopulations disproportionately

1 impacted by street harassment and subpopulations that engage in
2 street harassment.

3 (3) The department shall collaborate with community-based
4 organizations to develop culturally relevant content, conduct the
5 campaign in multiple languages in order to reach
6 limited-English-proficient populations impacted by street
7 harassment, and utilize media serving specific ethnic communities.

8 (c) At the end of each year of the campaign, the department
9 shall evaluate the effectiveness of the campaign, including its
10 impact, if any, on awareness of, attitudes about, and the occurrence
11 of, street harassment. The department shall prepare and publish
12 on its internet website an annual report describing the campaign's
13 activities, effectiveness, and gaps, and how the department will
14 address those gaps in the remaining years of the campaign.