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## Option Eight: SB 4 - Gender-Neutral Children's Departments

This bill is working to target three key issues: economic justice, gender equity, and LGBTQ+ rights. For the purposes of this analysis, the issues of economic justice and gender equity are intertwined with the issue of the "Pink Tax". The Pink Tax is a term coined for the disparate pricing of similar products based on the gender(s) they are marketed to; according to Holly Martinez, Executive Director of the California Commission on the Status of Women and Girls, "women pay roughly \$1,300 a year that men don't for the exact same products". With white women on average making 83 cents to a dollar a man makes, and women of color making even less, this issue causes great economic and gendered harm to the women of the US. In an attempt to remedy this issue, the California legislature and Governor Gavin Newsome recently passed a bill, AB 1287, that prohibits two products from the same company that are "substantially similar" from being "priced differently based on the gender of the individuals for whom the goods are marketed and intended." Substantially similar has four criteria, which are no substantial differences in the materials used to make each product, functional features/design are similar, the intended use is similar, and the same brand/company/person owns both products.

And while this ban on the Pink Tax is an important step in gender equity and economic justice, companies can often find loopholes to this issue. One way to exploit this bill is to simply not be caught having differing prices. By holding each product in a different section of the store, consumers may not notice differences in pricing, especially if they're slight, due to the inability to effectively compare prices. The same line of logic operates in the realm of children's products, clothing, and toys. 'Girls' and 'Boys' sections are often across the store from each other, so it is easier to hide similar products with differing price tags. A shirt that costs \$7 from the 'boys' section may cost more in the 'girls' section, despite serving the same function. Thus, this bill makes it easier for consumers to catch these gendered differences and adjust their shopping habits accordingly. In time, these gender-neutral sections will force companies to even their pricing across genders, reducing the economic burden on women and girls even less.

This bill also works for LGBTQ+ rights and the deconstruction of gendered binaries. One of the authors of SB 4, Assemblyman Evan Low, said he was moved to work on this bill when the daughter of one of his staffers asked her mom why some items were "off-limits" to her just because she was a girl, according to NBC News. This legislation offers children a chance to express themselves freely outside of gendered norms. It also provides an ease of burden off of the gender-nonconforming and nonbinary youth of California when they shop; providing these children a way to navigate their self-expression and identity without confines to gendered ideals allows them a freedom of expression previously taken by marketing along the gender binary.

While some conservative pundits and groups claim that this bill is the government trying to tell parents how to shop for their children, that is simply not the case. Parents still have the option to buy their children clothes that they feel align with their child's perceived gender identity; the government is not saying they cannot shop in a certain way. This bill simply provides the average consumer with a more efficient way to compare products and prices by

combining all of their child-focused merchandise into one section. What the consumer does from there is their business.

Given this analysis, my recommendation would be for the ACLU to support this bill. The bill does not seem to have any substantial adverse effects on civil liberties, and it works to aid efforts of economic justice, LGBTQ+ rights, and gender equity. Since similar bills have failed twice in the past (2019 and 2020), working to get this bill over the finish line should be a legislative goal for the ACLU California Action to undertake. This bill aids to cut the remnants of the Pink Tax out of the average consumer's life, aid transgender/nonbinary youth in their freedom of expression, and disrupt the cycle of gendered roles that is often impressed on the youth of America.