Office of Senate Floor Analyses
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UNFINISHED BUSINESS

Bill No: SB 303
Author: Smallwood-Cuevas (D)
Amended: 10/1/25
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-2, 4/22/25
AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab, Weber Pierson, Wiener
NOES: Niello, Valladares

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/29/25
AYES: Arreguín, Caballero, Gonzalez, Pérez, Wiener
NOES: Seyarto

SENATE FLOOR: 28-10, 5/28/25
AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener
NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 72-0, 8/28/25 - See last page for vote

SUBJECT: Employment: bias mitigation training: unlawful discrimination

SOURCE: County of Los Angeles Board of Supervisors

DIGEST: This bill provides that an employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination.

Assembly Amendments of 7/2/25 significantly narrow this bill to clarify legislative intent and what does not constitute unlawful discrimination.

ANALYSIS:

Existing law:

1) States that only relevant evidence is admissible, and except as otherwise provided by statute, all relevant evidence is admissible. (Evidence (Evid.) Code §§ 350, 351.)

2) Defines "relevant evidence" as evidence, including evidence relevant to the credibility of a witness or hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action. (Evid. Code § 210.)

3) Authorizes a court in its discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time or create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury. (Evid. Code § 352.)

4) Provides, through the Civil Discovery Act, procedures by which parties to a civil action conduct and obtain "discovery." (Code of Civil Procedure § 2016.010 et seq.)

5) Governs the admissibility of evidence in court proceedings and generally provides a privilege to refuse to testify or otherwise disclose confidential communications made in the course of certain relationships. (Evid. Code §§ 954, 966, 980, 994, 1014, 1033, 1034, 1035.8, 1037.5, 1038.)

6) Provides that the right of a person to claim specified privileges is waived with respect to a protected communication if the holder of the privilege has disclosed a significant part of that communication or consented to disclosure, without coercion. Existing law provides that a disclosure does not constitute a waiver where it was reasonably necessary to accomplish the purposes for which the lawyer, lawyer referral service, physician, psychotherapist, sexual assault counselor, domestic violence counselor, or human trafficking caseworker was consulted. (Evid. Code § 912(a), (d).)

This bill:

1) Defines "bias mitigation training" as bias mitigation or bias elimination training, education, and activities provided by an employer for the purpose of educating employees on understanding, recognizing, or acknowledging the influence of conscious and unconscious thought processes and their associated impacts. Bias mitigation training shall include implementing specific strategies to mitigate the impact of employees' personal biases. "Specific strategies" includes, but is not limited to, assessing or testing for personal bias, analyzing bias assessments or tests, conducting bias training, conducting workshops, using toolkits, and tracking bias mitigation and elimination.

2) Provides that, notwithstanding any other law, an employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination.

3) States the intent of the Legislature is to encourage bias mitigation trainings and to affirm that conduct such a training does not, by itself, constitute unlawful discrimination.

Background

California law requires employers to prevent discrimination in the workplace. Especially in light of the federal crackdown on diversity, equity, and inclusion efforts across the country, the need to address the root causes of discrimination and bias is of heightened importance. One measure being increasingly taken is bias mitigation and anti-discrimination programs in workplaces.

However, a concern has arisen that information regarding individuals' bias derived from training and education programs, including the testing of unconscious bias, can be used against employees and employers alike. This can create a chilling effect in both the adoption of such programs and participation in them. This bill provides that an employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination. This bill is sponsored by the County of Los Angeles Board of Supervisors. It is supported by the Social Justice Learning Institute.

Comments

According to the author: "The Public Workplace Bias Mitigation and Employee Protection Act (SB 303) would protect public employees who participate in bias mitigation programs by ensuring that their training, assessments, and strategies that address their identified implicit bias cannot be disclosed or used against them in civil lawsuits."

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 9/2/25)

Los Angeles County Board of Supervisors (Source)
Social Justice Learning Institute

OPPOSITION: (Verified 9/2/25)

None received.

ARGUMENTS IN SUPPORT: The Los Angeles County Board of Supervisors, the sponsor of this bill, writes, "SB 303 will enable public employees to participate in essential bias training and self-assessment without fear of legal repercussions. By protecting these efforts, the legislation fosters a more open and honest approach to addressing bias, ultimately enhancing public trust in government institutions. By ensuring that participation in these initiatives cannot be used against employees in civil proceedings, SB 303 eliminates a significant barrier to genuine self-reflection and proactive engagement."

ASSEMBLY FLOOR: 8/28/25, 72-0
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins,

Solache, Soria, Stefani, Ta, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NOES:
No Vote Recorded: Alvarez, Berman, Castillo, DeMaio, Dixon, Tangipa, Valencia

Prepared by: Christian Kurpiewski / JUD. / (916) 651-4113
9/14/26 15:00:34

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