

U.S. FEDERAL LAWS

1. U.S. Constitution, 1st Amendment, Right to Assemble, Right to Freedom of Speech, Right to Religious Expression

Requiring someone to wear a mask as a condition to assemble in your place of public accommodation is an infringement of the right protected under the U.S. Constitution, the highest law of the land. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

2. U.S. Constitution, 4th Amendment, Right to Privacy

Forcing a person to wear a mask without their consent is a violation of the 4th Amendment. Further, gathering vital statistics such as taking one's temperature is a violation person's right to privacy. Violation of this protection will result in your actions being report to the U.S. Department of Justice, which is required by law to investigate Civil Rights Violations. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

3. U.S. Title 42, Civil Rights Act of 1964: Unlawful to Discriminate in place of Public Accommodations <https://bit.ly/31WiR5Z>

Your business establishment is legally defined as a place of "public accommodation" and as such you may not prohibit entry by discriminating against someone for their medical condition, disability or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone based on their skin color, you may not deny entry to someone based on their bare face.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

4. U.S. Title 42, Section 12101: Unlawful to Deny Entry to Persons with Disability or perceived medical condition (ADA)

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.

5. U.S. Americans with Disabilities Act (ADA Title III) Unlawful to Deny Entry to Persons with Disability or perceived medical condition in Public Accommodations

<https://www.ada.gov/cguide.htm#anchor62335>

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.

CALIFORNIA STATE LAWS

1. California Constitution, Article 1, Section 1

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety, happiness and privacy. Therefore,

attempting to deny a customer from acquiring property by shopping at your business or to deny their access to services that they have the right to enjoy is unlawful and a violation of Constitutional liberties.

2. California Constitution, Article 1, Section 2

Every person may freely speak. A law may not restrain or abridge livery of speech. (Muzzling one's face with a muzzle does not allow for one to freely speak, and it abridges freedom of speech.) Therefore, denying entry due to a person not wearing a mask is a violation of the California Constitution,

3. California Constitution, Article 1, Section 4

Free exercise and enjoyment of religious expression without discrimination. If covering one's face intrudes on the religious expression of an individual, that right to religious expression may not be denied.

4. California Business and Professions Code 2052: Practicing medicine without a license

Requiring someone to wear a mask is a medical intervention. Unless you are a licensed medical professional, you have no authority to recommend such a practice. Further, a surgical mask is designated by the FDA as a "medical device". You have no legal authority responsibility or liability to require that of either your customers or your employees.

No "emergency order" supersedes established law. Any "health order" related to mask-wearing is unlawful and unenforceable by law.

5. California Penal Code 538(d) PC: Impersonating a peace officer

You are not a law enforcement officer and have no authority to enforce any law or order. Impersonating a law enforcement officer is a crime in this state under **California**

Penal Code 538(d) PC. This violation carries the penalty of one year in jail and a \$2,000 fine. You will be reported to authorities for this violation.

6. California Civil Code 51: Free and Equal Access to Public Accommodations

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition, disability or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone wearing a turban, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.

A claim may be pursued through Department of Fair and Employment and Housing (DFEH) or a private lawsuit. If a business engages in a pattern or practice of discrimination, you can refer the matter to the Attorney General or to your local district or city attorney may bring an action to enjoin any violation of Civil Code section 54.1

7. California Civil Code 52.1: Tom Bane Act protects personal rights and carries \$25,000 fine for each violation

If any person interferes with threat, intimidation or coercion with the exercise of enjoyment of an individual’s rights secured by the Constitution of the United States or the Constitution of California, the Attorney General or any district attorney or city attorney may bring a civil action or injunction in order to protect the peaceable exercise or enjoyment of the rights secured. **A civil penalty of \$25,000 may be assessed against EACH PERSON VIOLATING THESE RIGHTS.** Further, an individual may also institute and prosecute a civil case for damages.

8. California Civil Code 54: Individuals with disabilities have the same rights as others

Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, **including hospitals, clinics, and physicians’ offices**, public facilities, and other public places. **Just as you would not be able to deny entry to**

someone in a wheelchair, you may not deny entry to someone not wearing a mask. Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.

A claim may be pursued through DFEH, or a private lawsuit. The ADA also handles these complaints, and info may be gotten by calling (800) 514-0301.

9. California Civil Code 54.1: Disabled have full and equal access

Individuals with disabilities or medical conditions have the same right as the general public in attaining full and equal access to all public accommodations and their advantages, facilities and privileges to places of public accommodation, amusement or resort; and to other places to which the general public is invited, including public modes of transportation private schools, hotels, **hospitals** and public buildings, such as courthouses, government buildings. Aggrieved persons may recover up to three times the actual damages or a minimum of \$1,000, injunctive relief and reasonable attorney’s fees

A claim may be pursued through DFEH, or a private lawsuit. The Attorney General, the Department of Rehabilitation, or the district city attorney may bring an action to enjoin any violation of Civil Code section 54.1

10. California Business and Professions Code 125.6: Prohibits a licensed business to deny service based on disability or religion

Any person who holds a license pursuant to the business and professions code is subject to disciplinary action if that person discriminates in, restricts the performance of, or refuses to perform the licensed activity because of a consumer’s race, color, sex, religion, ancestry, disability, marital status or national origin.

11. California Business and Professions Code 23438: Prohibits discrimination by a private clubs and organizations

Private clubs and organizations holding liquor license may not discriminate against protected classes.

A claim may be filed with the California Department of Consumer Affairs, 401 R Street, Sacramento, CA 96814. (800) 952-5210. www.dca.ca.gov

12. California Penal Code 236 PC, False Imprisonment

Attempting to prevent someone's entry to this establishment or to restrict, detain or confine their movement without their consent constitutes FALSE IMPRISONMENT, which can be a felony, with the penalty of three years in jail. If you deny someone's entry to your place of public accommodation based on medical condition or religious beliefs, you are at risk for charged with false imprisonment.

13. Penal Code 415 PC: Disturbing the Peace

Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine:

- (1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.
- (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.
- (3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

14. California Penal Code 240 PC: Assault

If you aggressively seek to harass or intimidate someone with the threat of violence, you could be in violation of CA PC 240, assault. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another, even if no one is physically hurt by your behavior.

15. California Penal Code 185 PC: Unlawful to wear a mask in the commission of a public offense

It is unlawful to conceal your identity in the commission of any public offense (such as those listed in this document.)

NOTE: NO STORE POLICY MAY VIOLATE ESTABLISHED LAW

Just as your place of business may not institute "Fist-fight Fridays" or encourage customers to engage in pickpocketing or require someone to snort a line of cocaine as a condition of entry, your "store policy" may not violate the established laws set forth in this notice.

No claim of an "emergency" or "executive orders" or "health orders" or "city ordinances" excuses you from violating the laws set forth in this notice.

Further, as a place of public accommodation (even as a private business) you have extended an irrevocable license (privilege) to the public to enter your establishment and you may not deny entry based on race, religion, disability or other protected characteristics.

THUS: By denying entry to a customer who is not wearing a mask for either medical or religious reasons, YOU ARE IN VIOLATION of at least five federal laws and 15 California state laws, including:

US Constitution, 1st Amendment, 4th Amendment

US Title 42, US Title 52

California Constitution Article 1, sections 1, 2, 4

CPC 538(d)

BPC 2052

California Civil Code 51

Cal Civil Code 54

California Civil Code 54.1

CBP 125.6

CBP 23438

CPC 236

CPC 415

CPC 240

CPC 185