

Frequently Asked Questions Regarding AB 1887

Updated: September 2, 2022

Assembly Bill 1887 went into effect on January 1, 2017, this law prohibits state-funded travel to a state that has passed a law after June 26, 2015 that (1) authorizes discrimination based on sexual orientation, gender identity, and gender expression, or (2) voids or repeals existing state or local protections against such discrimination. The law applies to the California State University.

The Attorney General maintains a listing of states impacted by this legislation, as well as exceptions: <https://oag.ca.gov/ab1887>.

University Paid Travel credit cards or flight purchases through Concur are NOT ALLOWED to be used for any travel to a banned state or for any travel being reimbursed through Foundation funds.

Travelers are required to check the [California State Attorney General website](#) for a list of affected states prior to initiating the travel approval process. Consult [CSU travel policy 3601.1](https://www.calstate.edu/policies) (<https://www.calstate.edu/policies>) and the [University Policy Manual](https://www.csus.edu/umannual/admin/adm-0147.html) (<https://www.csus.edu/umannual/admin/adm-0147.html>) for detailed information and FAQs.

As of August 2022, additional states have been added by the state of California to AB 1887. The following states are currently subject to California's ban on state-funded and state-sponsored travel (unless otherwise noted):

1. Alabama
2. Arizona (*effective September 28, 2022*)
3. Arkansas
4. Florida
5. Georgia
6. Idaho
7. Indiana
8. Iowa
9. Kansas
10. Kentucky
11. Louisiana
12. Mississippi
13. Montana
14. North Carolina
15. North Dakota
16. Ohio
17. Oklahoma

18. South Carolina
 19. South Dakota
 20. Tennessee
 21. Texas
 22. Utah
 23. West Virginia
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Q: What are “state funds” defined?

A: State-funds, monies that are appropriated by the state legislature, either as part of the budget process (includes IDC funds) or continuously appropriated (e.g. tuition and fees) may not be used unless the travel falls under the one of the exceptions noted in the legislation.

Funds from a grant and/or contract garnered from sources other than the State of California or monies received by a campus auxiliary organization may be used for such travel, consistent with campus and auxiliary policies. Self-support funds (i.e., CCE funds) are not part of an auxiliary and must follow the same guidelines and travel restrictions for state funds. Private funds may also be used for travel.

Q: Does AB 1887 prohibit all travel to states on the Attorney General’s list?

A: No. AB 1887 prohibits the use of state funds to pay for travel to a state on the Attorney General’s list, except where one of the statutory exceptions applies. It does not affect travel that is paid for or reimbursed using non-state funds.

Although the use of non-state funded travel may fall within the statutory exceptions of the law, Sacramento State is committed to the principles underlying the travel ban to states that have passed or repealed existing state or local protections against discrimination based on sexual orientation, gender identity, and gender expression.

Q: What are the states that the California Attorney General Identified as Subject to the Travel Prohibition?

A: The Attorney General lists the states impacted by this legislation on their [website](https://oag.ca.gov/ab1887), whose office is responsible for updates as necessary: <https://oag.ca.gov/ab1887>

These states were on the initial list posted when the law was published:

- Kansas
- Mississippi
- North Carolina
- Tennessee

On June 23, 2017 the Attorney General published four additional states to the list:

- Alabama

- Kentucky
- South Dakota
- Texas

On June 1, 2018 the Attorney General published an additional state to the list:

- Oklahoma

On April 15, 2019, the Attorney General published an addition to the list:

- South Carolina

On October 4, 2019 the Attorney General published an additional state to the list:

- Iowa

On July 1, 2020 the Attorney General published an additional state to the list:

- Idaho

On June 28, 2021, the Attorney General published 5 additional states to the list:

- Florida (added July 1, 2021)
- Montana (added July 1, 2021)
- West Virginia (added July 8, 2021)
- Arkansas (added July 29, 2021)
- North Dakota (added August 1, 2021)

On September 30, 2021 the Attorney General published an additional state to the list:

- Ohio

The Attorney General announced that the following additional states will be added to the list on the following dates (based on the effective dates of the underlying laws that prompted the addition of each state to the list):

- Utah (added July 1, 2022)
- Indiana (added July 1, 2022)
- Louisiana (will be added August 1, 2022)
- Arizona (will be added September 28, 2022)

On August 18, 2022 the Attorney General published an additional state to the list:

- Georgia

Q: What are the exceptions where state-funded travel will be allowed to states on the Attorney General's list?

The law does not apply to 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 affected by subdivision (b).
 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.
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Q: What if an athletic team has committed to participate in a competition in an affected state?

A: If a contract to participate in an event was entered into before January 1, 2017, then it would be permissible to use state funds to travel to participate in a bowl game or other type of sporting competition. Some campuses have asked whether the contractual exception provides a “grandfathering” exemption allowing for state-funded athletics conference travel to banned states. There must be a written agreement or contract in place, executed by the campus, that specifically requires travel to states on the banned list as a condition of membership, participation, and/or eligibility in an athletics conference. General conference rules, by-laws, or membership alone do not qualify for the exception unless the campus specifically agreed to be bound by such rules in writing prior to the date a state is added to the list. If your campus athletics conference includes teams in banned states where travel is required, please consult with your campus counsel to determine whether the contractual exemption applies. If not, then non-state funds will need to be used, and employees may not be required to travel (but may be permitted to do so voluntarily). Campuses are encouraged to work with their athletic conferences to find alternative solutions for competition and participation in non-banned states.

Q: Does the law prohibit travel to an affected state for research purposes?

A: If the travel is necessary to participate in meetings or training required by a grant, or required to maintain grant funding, then reimbursement with state funds is permitted. Otherwise, non-state funds should be used to pay for or reimburse the travel expenses.

Q: Does the law prohibit admissions or athletics recruiters from traveling to states on the Attorney General’s list?

A: No. Non-state funds should be used to pay for the travel expenses.

Q: Does Sac State have a responsibility to continue to monitor the Attorney General’s website for additional states that are added to the list of those where state-funded travel is prohibited?

A: Yes. Sac State has the responsibility to consult the list on the Attorney General's website in order to comply with the travel and funding restrictions imposed by the law. However, Sac State has no obligation to determine about whether a state that is not included on the Attorney General list should be.

Q: How is travel that is reimbursed after it occurred handled under this new law?

A: If travel occurring after January 1, 2017 does not meet one of the exceptions noted above, then it should not be reimbursed with state funds.

Q: May state funds be used for reimbursement of travel to contractors?

A: Yes. But not for travel expenses to or within the prohibited state if such travel reimbursement is not covered in a contract entered into prior to January 1, 2017. Reimbursement for travel from the prohibited state may be reimbursed in all instances. Travel from a prohibited state, including the return flight back, shall be construed as travel "to" the original destination.

Q: May state funds be used for reimbursement of travel to recruits regarding faculty and staff appointments?

A: Yes, as long as the travel expenses were not incurred for travel to and within the prohibited state. Reimbursement for travel from the prohibited state may be reimbursed in all instances. Travel from a prohibited state, including the return flight back, shall be construed as travel "to" the original destination.

Q: Can an employee be required to travel to one of the prohibited states on the AG list?

A: No. California Government Code Section 11139.8(b)(1) prohibits Sac State from requiring any employee to travel to one of the states on the AG's list (absent applicability of one of the statutory exceptions listed in Government Code Section 11139.8(c)).

Q: Can I invite prospective employee, speakers, or consultants from states on the Attorney Generals list?

A: Yes. AB1887 applies to the states that one is traveling to, not the states that one is traveling from. The CSU can reimburse for travel expenses of someone traveling from a state on the Attorney General's website.

Exceptions

Items 3, 5 and 6 on the Exceptions List are the most common exceptions requested by Sac State travelers.

Following are clarifications of the requirements which must be met in order for an exception to be granted:

Exception 3: To meet contractual obligations incurred before January 1, 2017.

Q: If a contractual obligation requiring travel to one of the states added on June 23, 2017 was entered into after January 1, 2017 - the state was added to the list - does the travel meet this exception?

A: If travel expenses were approved and incurred prior to the effective date on which a new state is added to the list, then the use of state funds is permitted. Campuses may approve and pay for all travel-related expenses ahead of the effective date for a particular state, even if the travel is scheduled to occur after the state is added. In those circumstances, traveling after the effective date is permitted, but may not be required of any employee, official, or member. Non-state funds (e.g., auxiliary funds) may be used for travel after a state is added to the list.

Exception 5: To participate in meetings or training required by a grant or required to maintain grant funding.

The key word in this exception is "required." In order for travel to be approved under this section, it must be specifically required as a condition of the grant, or legitimately required in order to maintain the grant funding.

Q: I received a grant to study geological formations within the Santa Rita Mountains in Arizona. Does this meet the exception?

A: Most likely, as long as the grant specifically stipulates the research is to occur in Arizona.

Q: I have agreed to present a paper at a major national higher education conference scheduled in Ohio. Is this travel allowable under the grant exception?

A: No. Unfortunately, there are a number of examples of important travel related to CSU academic and administrative business that do not meet this exception, including board meetings, conferences where faculty or staff are scheduled to present, etc.

Exception 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 affected.

This exception is specific to training required to hold a particular position. Generally, a requirement that training be completed outside of California as a condition of maintaining a particular position within the CSU happens only in rare circumstances.

Q: The campus recently installed major laboratory equipment in one of the science buildings. As a lab technician, I am required to complete safety training and certification specific to this equipment. The equipment is manufactured in North Carolina. Am I able to travel to North Carolina for this training?

A: Most likely, as long as the traveler has verified that there are no other locations within California or another state where this training is offered.

Q: I work as a contract specialist within the University purchasing dept. As part of my continuing education and to benefit the University, my supervisor approved training through a national board to achieve designation as a certified contract specialist. The training is only available at the certifying board's Texas headquarters. Am I able to travel to Texas?

A: No. Although this may be important training/certification benefiting both the University and the employee, it is not required as a condition of the employee's position.

Q: Do academic conferences, accreditation meetings, and similar job-related events qualify for this exemption?

A: If the campus mandates or requires the training or conference – by way of written job description, appointment letter, minimum job qualifications, collective bargaining agreements, personnel policy, or professional license requirements for the position – and attendance at the conference, meeting or event qualifies as such, the exemption applies so long as a similar conference or training is not available in California or a non-banned state. It is recommended that the application of this exemption be reviewed and documented on a case-by-case basis, in accordance with these standards.

Sac State is fully committed to the principles underlying the travel ban. Travel funded from allowable sources should only be conducted when deemed absolutely essential, but not as a matter of course.