

CalChamber Status Update Report on Major Legislation for Business

The following list summarizes top priority bills for the California Chamber of Commerce and their status as of August 31, when the Legislature began its final recess.

Within each subject area, the list presents bills in order of priority with the highest priorities at the top.

September 30 is the last day for the Governor to sign or veto bills passed by

the Legislature before September 1 and in the Governor’s possession on or after September 1.

The CalChamber will publish its final status report, showing the ultimate fate of bills sent to the Governor this year, in October.

Bills signed by the Governor will become law on January 1, 2021. Urgency, tax and budget-related measures go into

effect immediately upon being signed. In those cases, the date the Governor signed the bill is noted.

Each fall, the CalChamber publishes a record of legislators’ votes on key bills affecting the California business climate. Generally, the bills selected for the vote record have appeared in one of the status reports. This year’s vote record is scheduled to be published on October 23.

Status of legislative action on bills as of August 31, 2020. Dates listed are the date the bill was assigned to a committee, the latest date of committee action, or when the bill reached the Senate or Assembly floor, unless action is stated.

*Bill was introduced at the beginning of this year, but at the request of the author, did not move through the legislative process once the Legislature returned from the shelter in place order that was issued as a result of the COVID-19 pandemic.

Subject—CalChamber Position	Status
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Agriculture, Food and Natural Resources

Redundant Reporting Requirement. SB 86 (Durazo; D-Los Angeles) Imposes unnecessary and costly reporting requirements. Mischaracterizes the use and risk of a highly regulated pesticide critical to disease prevention in citrus. Oppose.	To Governor
Expansion of Authority. AB 6 (Reyes; D-San Bernardino) Increases the cost of doing business by expanding the Attorney General’s authority to take a civil action under the Fish and Wildlife Code without being requested by the department resulting in the possibility of a civil action and an administrative action for the same violation. Oppose.	Senate Budget & Fiscal Review 8/28/20
*Dispute Resolution. AB 2607 (Mathis; R-Visalia) Helps landowners resolve disputes over regulatory conflicts with the Department of Fish and Wildlife. Support	In Assembly Water, Parks & Wildlife 3/5/20; Failed Deadline

Air Quality

Chooses Winners and Losers. AB 40 (Ting; D-San Francisco) Reduces customer choice in electric vehicles by banning the sale of all but a few manufacturers’ vehicles unless they enter into an “agreement” with California. Oppose/ Former Job Killer 2019.	Assembly Natural Resources 1/9/20; Failed Deadline
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Banking and Finance

New Onerous Burdens on Lenders. AB 2501 (Limón; D-Santa Barbara) Jeopardizes credit availability for consumer loans in future years. Imposes onerous obligations on financial lenders to carry home, mobile home, and auto loans for extended periods of time without receiving payments from borrowers. Oppose/ Job Killer 2020.	Failed passage in Assembly 6/15/20
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Subject—CalChamber Position	Status
<h2 style="color: red;">California Environmental Quality Act (CEQA)</h2>	
<p>Expansion of CEQA. SB 950 (Jackson; D-Santa Barbara) Expands CEQA’s existing requirements by adding costly new mandates that will burden local agencies, add substantial time and costs to the CEQA process and provide project opponents with new legal arguments to delay or block housing and other projects. Oppose/Job Killer 2020.</p>	<p>Failed passage in Senate Environmental Quality 5/29/20; Failed Deadline</p>
<p>Expands CEQA’s Existing Requirements. SB 55 (Jackson; D-Santa Barbara) Adds substantial time and costs to the CEQA process and provides project opponents with new legal arguments to delay or block housing and other projects. Almost identical to SB 950. Oppose.</p>	<p>Assembly Rules 7/27/20</p>
<p>CEQA Streamlining. AB 3279 (Friedman; D-Glendale) Helps housing production in California by making modest changes to CEQA by reducing the deadline for a court to commence hearings from one year to 270 days, allowing a lead agency to decide whether a plaintiff prepares the administrative record, and authorizing a court to issue an interlocutory remand as a remedy for any alleged violations. Support.</p>	<p>Senate Appropriations Suspense File 8/20/20</p>
<p>CEQA Streamlining. SB 995 (Atkins; D-San Diego) Provides CEQA streamlining benefits for smaller housing projects that include a certain percentage of affordable housing and agree to certain labor provisions, as well as broadens the application and utilization of the Master Environmental Impact Report (MEIR) process, which allows cities to do more upfront planning. Support.</p>	<p>Failed Deadline for Senate Concurrence 8/31/20</p>
<h2 style="color: red;">Climate Change</h2>	
<p>Imposes Significant Costs on Food Providers. AB 2954 (Robert Rivas; D-Hollister) Unnecessarily complicates and increases costs of farming and rangeland practices by imposing a statewide goal of carbon sequestration on all natural and working lands. Threatens to pit districts and crops against other districts and crops based on potential for carbon sequestration, threatening diversity of food production in California. Oppose.</p>	<p>Senate Environmental Quality 6/23/20</p>
<p>Exacerbates Housing Costs. SB 986 (Allen; D-Santa Monica) Adds to already-high costs of housing development by adding additional authority for California Coastal Commission to regulate greenhouse gases. Duplicates authority of sister agencies. Oppose.</p>	<p>Senate Natural Resources & Water 2/20/20; Failed Deadline</p>
<h2 style="color: red;">Education</h2>	
<p>Expanding College and Career Access Pathways. AB 2019 (Holden; D-Pasadena) Expands existing College and Career Access Pathway Program to help improve high school graduation rates and college attendance rates, thereby helping to address California’s need for technical and high-skill workers. Support.</p>	<p>Senate Education 6/23/20</p>
<p>Federally Preempted Limitation on Arbitration. AB 3271 (Kiley; R-Roseville) Creates a federally preempted right for minors to disavow an arbitration clause—but no other provisions—in enrollment agreements signed by their parents. Oppose.</p>	<p>Senate Judiciary 7/1/20</p>
<h2 style="color: red;">Energy</h2>	
<p>Energy Rate Increase. AB 1659 (Bloom; D-Santa Monica) Proposes to create a \$3 billion fund for various nonutility wildfire, water infrastructure, and other programs by imposing costs on California ratepayers. Oppose.</p>	<p>Senate Floor 8/30/20</p>

Subject—CalChamber Position	Status
Threatens Grid Reliability and Safety. SB 378 (Wiener; D-San Francisco) Penalizes the use of approved grid safety procedures and creates conflicts and redundancies that will impact electricity rates and threaten grid reliability. Oppose Unless Amended.	Assembly Utilities & Energy 6/18/20
Rate Increase. SB 1403 (Hueso; D-San Diego) Increases spending in home energy efficiency program beyond current plan year expenditures, resulting in substantial additional costs that will be passed along to ratepayers in the form of increased rates. Oppose Unless Amended.	Assembly Utilities & Energy 6/29/20

Elections and Fair Political Practices

Legislature Remote and Proxy Voting and Appointment of Successors to Power. ACA 25 (Mullin; D-South San Francisco) Grants vast power to members of the Legislature, allowing them to attend remotely and even surrender their votes to individuals who were not elected to represent their districts. Further, this Assembly Constitutional Amendment (ACA) allows legislators to appoint successors to power, thereby subverting the will of the voters by denying citizens the right to vote for their representatives. Oppose Unless Amended.	Senate Rules 6/15/20
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Environmental Regulation

Threatens Oil and Gas Development Operations. AB 345 (Muratsuchi; D-Torrance) Threatens to eliminate thousands of high-paying California jobs and force California to import even more foreign oil by politicizing and undermining the California Geologic Energy Management (CalGEM) Division’s ongoing regulatory process regarding new requirements near oil and gas extraction sites by predisposing what setback requirements should be before the agency even begins its analysis. Oppose/ Two Year Job Killer .	Failed passage in Senate Natural Resources & Water 8/5/20
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Gaming/Alcohol

Business Expansion. AB 2459 (Bigelow; R-O’Neals) Increases the number of liquor licenses in Mariposa and Napa counties for new restaurants. Support.	To Governor
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Hazardous Waste

Regulatory Reform. AB 995 (Cristina Garcia; D-Bell Gardens) If amended, would create a science-based board responsible for recommending streamlining and other changes to improve timeliness of permit reviews and cleanup decisions. Creates fee task force to evaluate any fee increases imposed on business. Support If Amended.	To Governor
Firefighting Foam. SB 1044 (Allen; D-Santa Monica) Prohibits the use of PFAS chemicals in firefighting foam without a viable alternative to extinguish extremely high temperature liquid fires at refineries and airports. Opposition removed due to August 24, 2020 amendments. Neutral.	To Governor
Hazardous Waste Disposal. AB 2920 (Obernolte; R-Big Bear Lake) Encourages more businesses to properly manage and treat their wastes, lower costs on businesses and consumers and improve the efficiencies of the Department of Toxic Substances Control (DTSC) by allowing consolidated manifests that would permit disposal of certain materials using less truck trips. Support.	To Governor

Health Care

Increases Health Care Costs. AB 2203 (Nazarian; D-Van Nuys) Increases health care costs by capping cost sharing for insulin prescriptions at \$50 for 30-day supply and no more than \$100 total per month, regardless of the amount or type of insulin ordered. Oppose.	Senate Health 6/23/20
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Subject—CalChamber Position	Status
<p>*Increases Health Care Premiums. SB 854 (Beall; D-San Jose) Increases health care premiums by mandating lowest-tier coverage of all Food and Drug Administration (FDA)-approved outpatient prescription medication related to treatment of substance use disorders and by eliminating all quality control and cost containment mechanisms. Oppose.</p>	<p>Senate Health 1/22/20; Failed Deadline</p>
<p>Prevents Health Systems from Executing Prudent Business Decisions. SB 977 (Monning; D-Carmel) Presumptively characterizes health system mergers, affiliations, sales or acquisitions as anticompetitive and gives the Attorney General unnecessary and overbroad power to reject this market activity. Oppose.</p>	<p>Assembly Floor 8/24/20</p>
<p>Wellness Programs. AB 648 (Nazarian; D-Van Nuys) Imposes stringent requirements on already federally regulated wellness programs and creates employer liability for violations of those requirements which will discourage and likely eliminate the potential or voluntary workplace wellness programs that benefit employees and contribute to a healthy workforce. Oppose.</p>	<p>Senate Health 6/23/20</p>
<p>*Locking Vial Mandate for Schedule II Drugs. SB 1084 (Umberg; D-Santa Ana) Increases prescription drug prices by requiring nonhospital pharmacies to dispense Schedule II and IIN drugs in a lockable vial in addition to distributing educational materials to the patient regarding the drug. The drug manufacturer would be required to reimburse the pharmacy for the lockable vial cost and that cost will likely be passed on to the consumer. Oppose.</p>	<p>Senate Business, Professions & Economic Development 5/12/20; Failed Deadline</p>
<p>Increases Health Care Costs. AB 2360 (Maienschein; D-San Diego) Amended so health plans are mandated to “provide access” rather than “establish” a maternal and child psychiatric telehealth consultation program. This should have a limited cost increase to employers since the California Health Benefits Review Program estimates 74% of commercial and California Public Employees’ Retirement System enrollees already have a psychiatric eConsult program. Oppose.</p>	<p>To Governor</p>
<p>Increases Health Care Premiums and Exceeds Medical Service Parity. SB 855 (Wiener; D-San Francisco) Increases health care premiums by mandating coverage for mental health conditions and substance use disorders beyond other medical services. Amended to delete the creation of a private right of action and class action for violations of its provisions. Oppose.</p>	<p>To Governor</p>

Housing and Land Use

<p>Inclusionary Housing Requirement. AB 725 (Wicks; D-Oakland) Before amendments, exacerbated California’s housing crisis by imposing a statewide, indirect inclusionary housing requirement that prohibited local jurisdictions from allocating more than 20% of their share of regional housing need for above moderate-income housing in areas zoned for single-family development. Opposition and job killer status removed due to January 6, 2020 amendments. No Position/Former Job Killer 2019.</p>	<p>To Governor</p>
<p>Prohibits Unlawful Detainer Actions. AB 828 (Ting; D-San Francisco) Leads to foreclosures and a divestment in California by prohibiting residential evictions, reducing tenant rent by 25% for a year, and requiring the tenant to make monthly payments to the landlord for any tenants financially impacted by COVID-19. Oppose.</p>	<p>Senate Judiciary 7/1/20</p>
<p>Shifts COVID-19 Economic Fallout onto Rental Property Owners. AB 1436 (Chiu; D-San Francisco) Forces rental property owners to forgo collecting rent for the entire duration of the state of emergency or until April 1, 2021 (whichever comes first) and prohibits owners from being able to try and collect unpaid rents for an additional 12 months after that, with no financial assistance for landlords who are unable to meet their financial obligations. Oppose/Job Killer 2020 based on 08/14/2020 amendments.</p>	<p>Senate Rules 8/20/20</p>
<p>Development Ban. SB 474 (Stern; D-Canoga Park) Prohibits any residential or commercial construction in either Very High Fire Severity Zones or State Responsibility Area, which effectively bans any development activity for one-third of the State of California. Oppose.</p>	<p>Assembly Local Government 6/29/20</p>

Subject—CalChamber Position	Status
Residential Security Deposits. AB 3260 (Wicks; D-Oakland) Adds significant risks to landlords and negatively impacts tenant by requiring landlords to allow new tenants to pay a security deposit over a 6-month period or obtain a security deposit insurance policy. Oppose Unless Amended.	Assembly Floor 6/8/20; Failed Deadline
Commercial Tenant Relief. SB 939 (Wiener; D-San Francisco) Leads to foreclosures and divestment in California by prohibiting commercial evictions and allowing commercial tenants to withhold rent for the entire duration of the COVID-19 state of emergency plus an additional 12 months, as well as unilaterally break leasing contracts. Oppose Unless Amended.	Held in Senate Appropriations Suspend File 6/18/20
Housing Production. AB 3155 (Robert Rivas; D-Hollister) Encourages construction of more entry-level homes in California by streamlining small-home projects that comply with local zoning and removing barriers to selling these homes, while also creating jobs for local construction workers. Support.	Assembly Appropriations Suspend File 6/2/20; Failed Deadline
Promotes Housing. AB 1561 (Cristina Garcia; D-Bell Gardens) Encourages local governments to consider the impacts their zoning decisions have on communities of color and extends the expiration date of building permits or other entitlements necessary for, or pertaining to, a housing development project. Support.	To Governor
Promotes Housing. SB 1120 (Atkins; D-San Diego) Increases housing production in California and encourages more small-scale neighborhood development by creating a ministerial approval process for duplexes and other specified acts. Support.	Failed Deadline for Senate Concurrence 8/31/20
Promotes Housing. SB 899 (Wiener; D-San Francisco) Streamlines affordable housing projects by permitting 100% multifamily affordable housing units (targeted at 80% of Area Median Income and below), regardless of local zoning restrictions, on land owned in fee simple by religious and educational institutions. Support.	Assembly Housing & Community Development 6/29/20
Promotes Housing. SB 902 (Wiener; D-San Francisco) Promotes housing and provides maximum local authority to local governments to increase the baseline zoning for residential properties and bypass California Environmental Quality Act (CEQA) review if they rezone for small developments of up to 10 units. Support.	Assembly Appropriations Suspend File 8/18/20
Promotes Housing. SB 1085 (Skinner; D-Berkeley) Increases housing production by mandating that a city or county grant a density bonus if the residential developer agrees to the specified percentage of units for persons and families of moderate income. Support.	To Governor
Promotes Housing. SB 1385 (Caballero; D-Salinas) Authorizes residential development on existing lots currently zoned for commercial office and retail spaces so long as the residential development maintains a minimum of 20 units per acre and abides by existing local planning and development ordinances, among other requirements. Support.	Failed passage in Assembly Local Government 8/11/20
Rental Assistance Program. SB 1410 (Caballero; D-Salinas) Helps tenants stay in their residences by creating a temporary emergency rental assistance program to provide rental payments for tenants who are unable to pay rent due to COVID-19. Support.	Assembly Appropriations Suspend File 8/18/20

Industrial Safety and Health

Unclear and Unfair COVID-19 Notice. AB 685 (Reyes; D-San Bernardino) Gut and amend calls for notice within one business day after any potential exposure to COVID-19 in the workplace, but exact requirements on employers remain vague regarding who receives notice and what documents must be provided. Also, California Department of Public Health to publish COVID-19 cases in specific worksites, but fails to separate good and bad employers or identify which cases are due to social spread. Oppose.	To Governor
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Subject—CalChamber Position	Status
<p>Labor Contractor Joint Liability. AB 2043 (Robert Rivas; D-Hollister) Before amendments, expanded joint liability for contracted supervisors to all employment-related harassment claims. There is no basis for holding a business that contracts for services statutorily liable for the harassment of another’s employees when there is no way in which that contractor can engage or force a labor contract company to comply with provisions of the Fair Employment and Housing Act or the Labor Code. Amended to remove problematic portions. Final text includes requirement for Cal/OSHA to distribute information to workers and compile information related to the results of investigative findings. Opposition removed due to July 28, 2020 amendments. Support.</p>	To Governor

Labor and Employment

<p>Employees: Time Off. SB 1383 (Jackson; D-Santa Barbara) Significantly burdens small employers by requiring employers with only five employees to provide eligible employees with 12 weeks of mandatory family leave, which can be taken in increments of one to two hours, and threatens these small employers with costly litigation if they make any mistake in implementing this leave. Oppose/Job Killer 2020.</p>	To Governor
<p>COVID-19 Employment Leave Mandate. AB 3216 (Kalra; D-San Jose) Imposes an onerous and stringent process for specific employers to return employees to the workforce, which will delay rehiring and subject employers to litigation for any alleged mistakes. Oppose/Job Killer 2020.</p>	To Governor
<p>Increased Costs and Liability on Employers. SB 1399 (Durazo; D-Los Angeles) Significantly increases the burden on nonunionized employers in the garment manufacturing industry in California by eliminating piece rate as a method of payment even though it can benefit the employee, creating joint and several liability for contractors for any wage violations or the employer, and shifting the evidentiary standards in a Labor Commissioner hearing to limit the ability for an employer to defend against an alleged wage violation. These additional requirements will encourage companies to contract with manufacturers outside of California, thereby limiting the demand and workforce of garment manufacturers in California. Oppose/Job Killer 2020.</p>	Assembly Floor 8/25/20
<p>Disclosure of Company Pay Data. SB 973 (Jackson; D-Santa Barbara) Requires California employers to submit pay data to state agencies that could give the false impression of wage disparity where none may exist. Also creates confusion by allowing two different state agencies to enforce Equal Pay Act claims. Oppose.</p>	To Governor
<p>Increased Cost and Litigation on Warehouse Distribution Centers. AB 3056 (Lorena Gonzalez; D-San Diego) Creates Labor Code violation for all warehouse employers who utilize any performance metric based on speed, with no compliance pathway, leading to costly litigation under PAGA whenever a warehouse employer terminates an employee based on performance. Oppose.</p>	Failed passage in Senate 9/1/20
<p>Burdensome New Bereavement Leave Mandate. AB 2999 (Low; D-Campbell) Imposes a significant new burden on employers of every size by mandating that they provide employees up to 10 days of bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, regardless of how long the employee has worked for the employer. The bill further opens up new avenues for litigation against California employers by establishing a brand-new private right of action (in addition to liability under Private Attorneys General Act and administrative enforcement through the Division of Labor Standards Enforcement). Oppose/Job Killer 2020.</p>	Senate Judiciary 7/1/20; Failed Deadline
<p>Independent Contractor Status. SB 900 (Hill; D-San Mateo) Makes additional changes to AB 5 from last session. However, additional similarly situated industries/professionals should also be included in the exemptions, and the “business-to-business” exemption enacted in AB 5 needs to be fixed to cover more individuals/entities. Support If Amended.</p>	Senate Labor, Public Employment & Retirement 2/12/20; Failed Deadline

Subject—CalChamber Position	Status
<p>Local Wage Standards. AB 3075 (Lorena Gonzalez; D-San Diego) Allows interference with corporate formation based on arbitrary, unclear and unfair standards. The bill would also result in chaotic and inconsistent enforcement of wage and hour laws by local jurisdictions by authorizing them to impose their own wage payment requirements as long as they are “at least as stringent” as state law requirements. Opposition and job killer tag removed due to July 21, 2020 amendments. No Position/Former Job Killer 2020.</p>	To Governor
<p>Imposes New One-Sided Attorney’s Fee Recovery. AB 1947 (Kalra; D-San Jose) Undermines the essence of the Division of Labor Standards Enforcement (DLSE) complaint process by requiring a one-sided attorney’s fee provision that will incentivize further litigation. Oppose.</p>	To Governor
<p>Prevailing Wage. AB 2231 (Kalra; D-San Jose) Codifies a limited definition of the term “de minimis” to determine what level of public subsidy triggers prevailing wage requirements on an otherwise private project, overturning the established practice of viewing the subsidy in the context of the entire project. Oppose.</p>	To Governor
<p>Independent Contractor Status. SB 806 (Grove; R-Bakersfield) Provides necessary flexibility to the ABC test so that individuals who choose to be independent contractors can continue to work and earn income. Support.</p>	Failed passage in Senate Labor, Public Employment & Retirement 5/14/20
<p>Required Disclosures. SB 1102 (Monning; D-Carmel) Establishes new unnecessary and burdensome requirements on all employers to provide information to employees and imposes duplicative and unnecessary disclosure requirements for employers of H-2A employees. Oppose.</p>	To Governor
<p>Mandated Scheduling Requirement. SB 850 (Leyva; D-Chino) Previously identified as a 2020 Job Killer. Author has indicated she is no longer pursuing the bill this year. Eliminates worker flexibility and exposes employers to costly penalties, litigation, and government enforcement, by mandating employers in the retail, grocery, or restaurant industry, including employers who have hybrid operations that include a retail or restaurant section, to provide a 21-day work schedule and then face penalties and litigation if the employer changes the schedule with less than 7 days’ notice. Oppose/Previously Identified Job Killer 2020.</p>	Senate Labor, Public Employment & Retirement 5/12/20; Failed Deadline.
<p>Independent Contractor Status. AB 1850 (Lorena Gonzalez; D-San Diego) Makes additional changes to AB 5 from last session. However, additional similarly situated industries/professionals should also be included in the exemptions, and the “business-to-business” exemption enacted in AB 5 needs to be fixed to cover more individuals/entities. Support If Amended.</p>	Senate Labor, Public Employment & Retirement 7/1/20; Failed Deadline
<p>Independent Contractor Status. AB 2257 (Lorena Gonzalez; D-San Diego) Makes additional changes to AB 5 from last session. However, additional similarly situated industries/professionals should also be included in the exemptions, and the “business-to-business” exemption enacted in AB 5 needs to be fixed to cover more individuals/entities. Support If Amended.</p>	To Governor
<p>Meal and Rest Breaks: Remote Work. SB 729 (Portantino; D-La Cañada Flintridge) Provides relief to employers from PAGA lawsuits by specifying that an employee may not recover PAGA civil penalties for meal and rest period claims if the employee was working from home, through the end of 2022. Support.</p>	Failed passage in Assembly Labor & Employment 8/31/20
<p>Security Officers: Rest Periods. AB 1512 (Carrillo; D-Los Angeles) Authorizes security guards covered by a collective bargaining agreement to be required to remain on the premises, remain on call, and carry and monitor a communication device, during rest periods. Support.</p>	To Governor
<p>Expanded Leaves of Absence. AB 2992 (Weber; D-San Diego) Expands three separate leaves of absence on small and large employers with multiple threats of litigation despite the enormous financial strain all size employers are dealing with as a result of the COVID-19 pandemic. This increased burden will limit employers’ ability to recover, including rebuilding their workforce. Opposition and job killer tag removed due to May 11, 2020 amendments. No Position/Former Job Killer 2020.</p>	To Governor

Subject—CalChamber Position	Status
Rest Period Exemption. AB 2479 (Gipson; D-Carson) Extends an existing exemption to the rest period requirements for employees at a petroleum facility who work in safety-sensitive positions. No Position.	To Governor
Budget Trailer Bill. AB 1867 (Committee on Budget) is part of the Governor’s economic package. It goes into effect immediately upon signature. It does the following: 1) establishes the “small employer mediation pilot program,” which is designed as an amendment to SB 1383, the Governor’s family and medical leave expansion bill; and 2) establishes a “COVID-19 supplemental paid sick leave” requirement for food sector employees, employees who work for businesses with more than 500 employees, certain health care providers, and certain emergency responders. No Position.	To Governor
Budget Trailer Bill. SB 822 (Committee on Budget and Fiscal Review) is part of the Governor’s economic package. It goes into effect immediately upon signature. It does the following: 1) establishes the “small employer mediation pilot program,” which is designed as an amendment to SB 1383, the Governor’s family and medical leave expansion bill; and 2) establishes a “COVID-19 supplemental paid sick leave” requirement for food sector employees, employees who work for businesses with more than 500 employees, certain health care providers, and certain emergency responders. No Position.	To Governor

Legal Reform and Protection

Legal Reform. AB 2143 (Mark Stone; D-Scotts Valley) Allows employers to maintain a safe workplace by prohibiting an employee who has engaged in criminal conduct from seeking reemployment. Support.	To Governor
Expanding False Claims Act to Include Tax Filings. AB 2570 (Mark Stone; D-Scotts Valley) Expands the False Claims Act to allow the Attorney General and private attorneys to sue taxpayers on perceived tax errors, creating inconsistent tax enforcement, litigation, and nuisance suits for taxpayers. Oppose.	Senate Judiciary 7/1/20
Strict Product Liability for Online Marketplaces. AB 3262 (Mark Stone; D-Scotts Valley) Under AB 3236, online marketplaces are strictly liable for all products sold by third parties on their electronic marketplaces when the electronic marketplace receives payment from consumers for new products sold on the electronic marketplace. Oppose.	Senate Inactive File 9/1/20
Expansion of California Public Records Act. SB 749 (Durazo; D-Los Angeles) Rewrites Public Records Act (PRA) to declare certain types of personnel and business-related records as <i>not</i> trade secrets and exempts them from the normal process under the PRA to litigate whether they qualify for the trade secret exemption. Would result in release of employment-related and supply chain-related information to domestic competitors, as well as foreign nations. Oppose.	Assembly Floor 8/25/20
Third Party Food Delivery. AB 3336 (Carrillo; D-Los Angeles) Before amendments, would have imposed onerous unnecessary and new requirements on Californians looking for work delivering food and restaurants seeking to reach new customers through delivery. This is not the time to be introducing new burdens on food delivery, restaurants, grocery stores and other retail locations, especially while those businesses are struggling to meet demand or stay open during the current crisis. Opposition removed due to August 24, 2020 amendments. Neutral.	To Governor
Limitations on Subscriptions and Auto Renewal Offers. AB 2811 (Berman; D-Palo Alto) Requires any business offering an auto-renewal or continuous service offer to provide the consumer with a notice explaining how to cancel an automatic renewal offer or continuous service offer given certain requirements are met. Oppose.	Senate Judiciary 7/1/20
*Increased Litigation. SB 873 (Jackson; D-Santa Barbara) Previously identified as a 2020 Job Killer. Author has indicated she is no longer pursuing the bill this year. Exposes businesses to costly litigation for a consumer’s assertion that any price difference on “substantially similar” goods, even a nominal amount, is based on gender and therefore the consumer is entitled to a minimum of \$4,000. Oppose/ Previously Identified Job Killer 2020.	Senate Judiciary 5/12/20; Failed Deadline

Subject—CalChamber Position	Status
<p>Judicial Council Authority in State of Emergencies. AB 3366 (Committee on Judiciary) Before amendments, would have effectively tolled statute of limitations for all civil actions in California indefinitely whenever there is a state of emergency. Opposition removed due to May 28, 2020 amendments. No Position.</p>	<p>To Governor</p>
<h2 style="color: red;">Privacy and Cybersecurity</h2>	
<p>CCPA Sunset Extension. AB 1281 (Chau; D-Monterey Park). Extends the California Consumer Privacy Act’s existing exemptions for employee and business-to-business data for one year, to January 1, 2022. Support.</p>	<p>To Governor</p>
<p>CCPA Health Research Exemption. AB 713 (Mullin; D-South San Francisco) Promotes continued clinical trials and regulated biomedical research by exempting from the California Consumer Privacy Act (CCPA) information that has been deidentified in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Support.</p>	<p>To Governor</p>
<p>Prohibition on Contact Tracing Technology. AB 1782 (Chau; D-Monterey Park) Prohibits the use of technology to assist in contact tracing efforts except in certain narrow circumstances, and subjects any business, nonprofit, school, or university to a private right of action, plus attorney fees and statutory penalties, for using technology to trace exposure and notify individuals who may have been exposed. Oppose.</p>	<p>Senate Appropriations Suspense File 8/19/20</p>
<p>Connected Televisions or Devices. AB 1395 (Cunningham; R-San Luis Obispo). Regulates all connected devices that use voice recognition features and dictates how those recordings must be treated, particularly with regard to sharing. Creates mandatory disclosures that, though mandatory, misrepresent how many devices truly work. Oppose.</p>	<p>Senate Judiciary 7/9/20</p>
<p>Contact Tracing Privacy Regulation. AB 660 (Levine; D-San Rafael) Creates vague and overbroad contractual requirements that limit the use of a consumer’s personal information for purposes outside of mitigating the spread of disease and complying with warrants and subpoenas. Oppose.</p>	<p>Senate Appropriations Suspense File 8/19/20</p>
<p>DNA and Testing Privacy, COVID-19 Testing Companies. SB 980 (Umberg; D-Santa Ana). Prohibits direct-to-consumer genetic or illness testing services companies from disclosing a person’s genetic information to a third party without obtaining prior consent, as specified. Imposes penalties and allows actions for relief to be filed by city attorneys or similar, as specified. Oppose.</p>	<p>To Governor</p>
<p>Free Trials, Automatic Renewals, and Continuous Service Offers. AB 2811 (Berman; D-Palo Alto). Requires businesses offering auto-renewal or continuous service offers to provide the consumer with a notice explaining how to cancel an automatic renewal offer or continuous service offer, given certain requirements are met. Oppose.</p>	<p>Senate Judiciary 7/1/20</p>
<p>Digital Health Systems as Health Care Providers. AB 2280 (Chau; D-Monterey Park) Classifies any Food and Drug Administration (FDA)-approved device or software that collects personal information for the purposes of the Confidentiality of Medical Information Act (CMIA) in any form to be a “health care provider” and appropriately regulated as such. Oppose.</p>	<p>Senate Judiciary 7/1/20</p>
<p>Mandatory Cyber Insurance. AB 2320 (Chau; D-Monterey Park) Requires a contractor doing business with a state agency to require, by contract, that the contractor maintain cyber insurance if the contractor anticipates receiving or has access to records containing personal information protected under the information practices act of 1977. Oppose.</p>	<p>Failed passage in Assembly Privacy & Consumer Protection 5/5/20</p>
<p>*Limits on Government Access to Consumer Data. AB 3116 (Irwin; D-Thousand Oaks) Places limitations on the data that government entities can demand from any entity that makes transportation devices and vehicles available to the public. This includes but is not limited to autonomous vehicles, bicycles, and scooters that are offered or placed for rent in public. Support.</p>	<p>Held in Assembly Appropriations Suspense File 6/2/20; Failed Deadline</p>

Subject—CalChamber Position	Status
<h2 style="color: red;">Product Regulation</h2>	
<p>Cosmetic Product Ban. AB 495 (Muratsuchi; D-Torrance) Bypasses a legislatively mandated analytical process to judge the safety of consumer products and seeks to prohibit safe cosmetic products based upon the mere presence of a chemical in the product, no matter the level, that will lead to potential regrettable substitutions and job losses in the cosmetic industry. Oppose/Two Year Job Killer.</p>	<p>Failed passage in Assembly Health 1/17/20</p>
<p>Unprecedented Product Regulation in California. SB 54 (Allen; D-Santa Monica) Before amendments, substantially increased the cost to manufacture and ship consumer products sold in California by providing CalRecycle with broad authority to develop and impose costly and unrealistic new mandates on manufacturers of all single-use packaging and certain single-use plastic consumer products under an unrealistic compliance time frame that failed to address California’s lack of recycling and composting infrastructure. Job killer status removed due to September 6, 2019 amendments, but CalChamber still opposes. Oppose Unless Amended/Former Job Killer 2019.</p>	<p>Failed passage in Assembly 9/1/20</p>
<p>Ingredient Ban in Personal Care Products. AB 2762 (Muratsuchi; D-Torrance) Before amendments taking CalChamber to no position, the bill would have inconsistently prohibited certain specified ingredients in cosmetic products leading to products effectively banned or costly reformulations if even possible. No Position.</p>	<p>To Governor</p>
<p>Overreaching Performance Standard. AB 1672 (Bloom; D-Santa Monica) Before amendments, imposed a new performance standard on flushable wipe products that would effectively ban most flushable wipes from the North American market without a sound scientific basis. CalChamber removed opposition and now has no position on the bill due to July 1, 2020 amendments. No Position.</p>	<p>Senate Appropriations Suspend File 8/20/20</p>
<p>Feminine Care Product Regulation. AB 1989 (Cristina Garcia; D-Bell Gardens) Before amendments taking CalChamber to no position, the bill had unclear requirements on what manufacturers were required to disclose. After amendments, the expected scope of disclosure manufacturers were required to provide was unambiguous, ensuring consistency across products and helping consumers make informed decisions. No Position.</p>	<p>To Governor</p>
<h2 style="color: red;">Taxation</h2>	
<p>Headcount Tax. AB 398 (Chu; D-San Jose) Punishes certain employers who create jobs and discourages hiring and employment growth by imposing a headcount tax of \$275 per employee. Oppose/Job Killer 2020.</p>	<p>Senate Governance & Finance 7/1/20</p>
<p>Massive Retroactive Tax Increase. AB 1253 (Santiago; D-Los Angeles) Seeks to increase California’s personal income tax rate, already the highest in the country, for struggling small businesses and high-income earners, which will result in a recently reported \$6.8 billion in increased taxes. Oppose/Job Killer 2020.</p>	<p>Senate Governance & Finance 7/27/20</p>
<p>Small Business Hiring Tax Credit. SB 1447 (Bradford; D-Gardena) Encourages job growth and economic recovery by providing certain small employers with a tax credit of \$1,000 per new hire above an established baseline. Small businesses are entitled to up to \$100,000 in hiring tax credits. Support.</p>	<p>To Governor</p>
<p>Staggering Corporate Tax Hike. SB 37 (Skinner; D-Berkeley) Imposes a targeted tax on California business, which, for certain companies, would raise California’s corporate tax rate—already one of the highest in the nation—up to a staggering 22.26%, which amounts to an increase of about 150% and would undoubtedly discourage companies from locating or further investing in the state. Oppose/Two Year Job Killer.</p>	<p>Secretary of Senate 2/3/20</p>
<p>Targeted Tax on Oil and Gas Operators. SB 246 (Wieckowski; D-Fremont) Unfairly targets one industry by imposing a 10% oil and gas severance tax onto an oil and gas operator, adding another layer of taxes onto this industry that will significantly increase the costs of doing business, thereby increasing prices paid by consumers for goods and services in this expensive state as well. Oppose/Two Year Job Killer.</p>	<p>Secretary of Senate 2/3/20</p>

Subject—CalChamber Position	Status
Corporate Shaming Tax Disclosure. SB 972 (Skinner; D-Berkeley) Pierces the traditional shield of taxpayer confidentiality that has been respected by generations of political and government leaders by requiring the Franchise Tax Board to disclose all taxpayers’ identities and tax credits if their gross receipts are \$5 billion or more. Oppose.	To Governor
Unnecessary Commission to Study Tax Expenditures. SB 956 (Jackson; D-Santa Barbara) Creates an unnecessary commission to study tax expenditures that will cause uncertainty for businesses due to the potential of increasing taxes by \$20 billion. Oppose.	Assembly Revenue & Taxation 6/29/20
Disaster Relief to Homeowners and Businesses Seeking to Rebuild. AB 2013 (Irwin; D-Thousand Oaks) Provides greatly needed assistance to victims of natural disasters who choose to reconstruct destroyed homes and business structures on the original site of the disaster, by exempting this reconstruction from being assessed at a higher tax rate. Support.	To Governor

Telecommunications

*Restrictions on Contacting Consumers. AB 3007 (Chau; D-Monterey Park) Prohibits businesses from using automated calls and texts to communicate with customers and business relations, and expands the application of this restriction to any device that stores phone numbers and can automatically dial or send text messages to those numbers “without significant human involvement,” which is undefined. Oppose.	Assembly Appropriations 5/6/20; Failed Deadline
*Mandatory Financial Disclosures and Reporting Requirements for ISPs. SB 1058 (Hueso; D-San Diego) Creates a financial disclosure requirement in addition to an onerous annual reporting mandate that requires internet service providers (ISPs) to file annual emergency operations plans with the California Public Utilities Commission, but the regulatory scheme proposed by SB 1058 is preempted by federal law. Oppose.	Held in Senate Appropriations Suspense File 6/18/20
*Critical Infrastructure Reporting and Disclosure, Telecommunications. SB 1069 (Jackson; D-Santa Barbara) Creates onerous reporting requirements for telecommunications providers, including real-time information and annual reports regarding telecommunications. Oppose.	Held in Senate Appropriations Suspense File 6/9/20

Unemployment Insurance

Massive Unemployment Insurance Compensation and Tax Increase. AB 1107 (Chu; D-San Jose) Would significantly raise employers’ payroll taxes to fund a 130% increase in unemployment payments just as California’s businesses are struggling to survive this pandemic-caused shutdown. Gutted and amended May 26, 2020 to a different subject area. Job killer and oppose tag removed. No Position/ Former Job Killer 2020.	Senate Appropriations Suspense File 8/19/20
Increased Unemployment Insurance Costs and Payments. AB 3329 (Daly; D-Anaheim) Increases unemployment insurance payments in California in response to COVID-19 and costs California employers billions of dollars over the next 10 years. Assembly Insurance hearing canceled by author in response to employer concerns. Oppose.	Assembly Insurance 3/9/20; Failed Deadline
Unemployment Funds. AB 1066 (Lorena Gonzalez; D-San Diego) Gut and amend of former job killer baselessly attempts to place on employers Employment Development Department (EDD) delay in distributing unemployment insurance benefits by creating an unnecessary and vague statutory deadline for employers to respond to EDD requests. Deadline particularly unnecessary because regulations already provide specific deadlines for all EDD requests. Also adds potential for inefficient and unnecessary Attorney General enforcement of any overdue payments to EDD. Oppose.	To Governor

Subject—CalChamber Position	Status
<p>Increased UI Costs and Work Share Program Streamlining. AB 1731 (Boerner Horvath; D-Encinitas) Before amendments, would have increased pressure on UI fund by multiple billions of dollars per year by broadening eligibility, costing employers billions in the coming years. Would also provide appropriate streamlining of California’s work share program. Opposition removed due to August 25, 2020 amendments. Support.</p>	<p>To Governor</p>

Water Supply and Quality

<p>Levee Protection. AB 1958 (Cooper; D-Elk Grove) Allows local law enforcement to move visual or physical obstructions from levees to protect public safety. Support.</p>	<p>Senate Natural Resources & Water 6/23/20</p>
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Workers’ Compensation

<p>Establishes Costly “Conclusive Presumption” of Injury. AB 196 (Lorena Gonzalez; D-San Diego) Significantly increases workers’ compensation costs for employers by “conclusively” presuming (non-rebuttable) that contraction of COVID-19 by all “essential workers” is a workplace injury. Establishes an extremely concerning precedent for expanding presumptions into the private sector for COVID-19 issues, which the Workers’ Compensation Insurance Rating Bureau recently estimated will add billions in costs to California’s workers’ compensation system. Oppose/Job Killer 2020.</p>	<p>Senate Floor 8/26/20</p>
<p>Costly Presumption of Injury. AB 664 (Cooper; D-Elk Grove) Significantly increases workers’ compensation costs for public employers and public and private hospitals by establishing a disputable presumption that COVID-19 illness or death was caused by the workplace. Establishes an extremely concerning precedent for expanding presumptions into the private sector for COVID-19 issues, which the WCIRB recently estimated will add billions in costs to California’s workers’ compensation system. Job killer tag removed due to August 25, 2020 amendments. Oppose/Former Job Killer 2020.</p>	<p>Senate Floor 8/26/20</p>
<p>Workers’ Compensation: COVID-19. SB 1159 (Hill; D-San Mateo) Establishes a largely unworkable rebuttable workers’ compensation presumption for COVID-19 that would “trigger on” based on the number of infections at a specific place of employment over a rolling 14-day period. The complexity of this presumption mechanism is disastrously complex, would lead to litigation and increase costs across the entire workers’ compensation system, and would be on the books for four years. Oppose.</p>	<p>To Governor</p>
<p>Expands Costly Presumption of Injury. SB 893 (Caballero; D-Salinas) Significantly increases workers’ compensation costs for public and private hospitals by presuming that certain diseases (including COVID-19) and injuries are caused by the workplace and establishes an extremely concerning precedent for expanding presumptions into the private sector. Oppose/Job Killer 2020.</p>	<p>Failed passage in Senate Labor, Public Employment & Retirement 5/14/20; Failed Deadline</p>