

# Final Status Report on Major Business Bills

The following list summarizes the final status of California Chamber of Commerce priority bills that were sent to the Governor this year.

The CalChamber will publish a record of legislators’ votes on key bills affect-

ing the California business climate on October 23. Generally, the bills selected for the vote record have appeared in one of the status reports.

Bills signed by the Governor will become law on January 1, 2021 unless

otherwise stated. Urgency, tax and budget-related measures go into effect immediately upon being signed, so the date the bill was signed is noted.

Subject—CalChamber Position	Status
<b>Agriculture, Food and Natural Resources</b>	
<b>Redundant Reporting Requirement.</b> 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.	Signed—Chapter 299
<b>Gaming/Alcohol</b>	
<b>Business Expansion.</b> AB 2459 (Bigelow; R-O’Neals) Increases the number of liquor licenses in Mariposa and Napa counties for new restaurants. Support.	Signed—Chapter 53
<b>Hazardous Waste</b>	
<b>Regulatory Reform.</b> 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.	Vetoed
<b>Firefighting Foam.</b> 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.	Signed—Chapter 308
<b>Hazardous Waste Disposal.</b> 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.	Signed—Chapter 222
<b>Health Care</b>	
<b>Increases Health Care Costs.</b> 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.	Vetoed
<b>Increases Health Care Premiums and Exceeds Medical Service Parity.</b> 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.	Signed—Chapter 151

Subject—CalChamber Position	Status
<b>Housing and Land Use</b>	
<b>Inclusionary Housing Requirement.</b> 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/ <b>Former Job Killer 2019.</b>	Signed—Chapter 193
<b>Promotes Housing.</b> 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.	Signed—Chapter 195
<b>Industrial Safety and Health</b>	
<b>Unclear and Unfair COVID-19 Notice.</b> 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.	Signed—Chapter 84
<b>COVID-19 Information for Ag Workers.</b> . AB 2043 (Robert Rivas; D-Hollister) Requires the Division of Occupational Safety and Health to provide information in English and Spanish to agricultural workers regarding the risks of COVID-19 and engage with community organizations to help spread this safety information, including via Spanish language radio commercials. Also requires the Division to compile data related to COVID-19 workplace investigations for agricultural employers. Includes a sunset provision for all provisions to terminate with the state of emergency. Opposition removed due to July 28, 2020 amendments. Support.	Signed 9/28/20—Chapter 212
<b>Labor and Employment</b>	
<b>Employees: Time Off.</b> 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/ <b>Job Killer 2020.</b>	Signed—Chapter 86
<b>COVID-19 Employment Leave Mandate.</b> 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/ <b>Job Killer 2020.</b>	Vetoed
<b>Disclosure of Company Pay Data.</b> 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.	Signed—Chapter 363
<b>Local Wage Standards.</b> 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/ <b>Former Job Killer 2020.</b>	Signed
<b>Imposes New One-Sided Attorney’s Fee Recovery.</b> 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.	Signed

Subject—CalChamber Position	Status
<b>Prevailing Wage.</b> 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.	Signed
<b>Required Disclosures.</b> 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.	Vetoed
<b>Independent Contractor Status.</b> 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.	Signed 9/4/20— Chapter 38
<b>Security Officers: Rest Periods.</b> 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.	Signed
<b>Expanded Leaves of Absence.</b> 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/ <b>Former Job Killer 2020.</b>	Signed—Chapter 224
<b>Rest Period Exemption.</b> 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.	Signed
<b>Budget Trailer Bill.</b> 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.	Signed 9/9/20— Chapter 45

## Legal Reform and Protection

<b>Legal Reform.</b> 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.	Signed—Chapter 73
<b>Third Party Food Delivery.</b> 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.	Signed—Chapter 105
<b>Judicial Council Authority in State of Emergencies.</b> 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.	Signed 9/11/20— Chapter 76

Subject—CalChamber Position	Status
<b>Privacy and Cybersecurity</b>	
<b>California Consumer Privacy Act.</b> AB 1281 (Chau; D-Monterey Park) Extends existing employee and business-to-business exemption under CCPA by one year, to January 1, 2022, contingent upon the failure of the California Privacy Rights Act of 2020 to pass in the November 2020 election. Support.	Signed—Chapter 268
<b>CCPA Health Research Exemption.</b> 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.	Signed 9/25/20—Chapter 172
<b>DNA and Testing Privacy, COVID-19 Testing Companies.</b> 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.	Vetoed
<b>Product Regulation</b>	
<b>Ingredient Ban in Personal Care Products.</b> 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.	Signed—Chapter 314
<b>Feminine Care Product Regulation.</b> 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.	Signed—Chapter 272
<b>Taxation</b>	
<b>Small Business Hiring Tax Credit.</b> 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.	Signed 9/9/20—Chapter 41
<b>Corporate Shaming Tax Disclosure.</b> 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 the name, tax liability, total gross receipts, and amounts and types of tax credits for a taxpayer with \$5 billion or more in total gross receipts. Oppose.	Vetoed
<b>Disaster Relief to Homeowners and Businesses Seeking to Rebuild.</b> 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.	Signed—Chapter 124
<b>CARES Act Tax Relief.</b> AB 1577 (Burke; D-Inglewood) Allows struggling businesses to exclude the amount of Paycheck Protection Program loans provided to them under the CARES Act from state income taxes and forgives the recipient’s loan debt when the funds are used for mortgage, rent, utilities, and payroll costs. Support.	Signed 9/9/20—Chapter 39

Subject—CalChamber Position	Status
<b>Unemployment Insurance</b>	
<p><b>Unemployment Funds.</b> 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.</p>	Vetoed
<p><b>Streamlining California’s Workshare Program.</b> AB 1731 (Boerner Horvath; D-Encinitas) Streamlines the application process for California’s workshare programs, including shortening application timelines and guaranteeing initial approval, in order to make it easier for employers to voluntarily utilize the program to keep staff on at a reduced schedule. Also provides for EDD to collaborate with the Governor’s Office of Business and Economic Development (GO-Biz) to increase employer participation. Opposition removed due to August 25, 2020 amendments. Support.</p>	Signed—Chapter 209
<b>Workers’ Compensation</b>	
<p><b>Workers’ Compensation: COVID-19.</b> 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>	Signed 9/17/20—Chapter 85

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