

ALERT

CalChamber, Allies Stop Anti-Business Legislation



This legislative session, the California Chamber of Commerce identified more than 130 bills that would have increased costs or imposed regulatory burdens on California employers,

jeopardizing businesses and the state's economy at a crucial point in the COVID-19 pandemic recovery.

Thanks to the efforts of the CalChamber and allied organizations, many of these onerous bills have been stopped for the year.

Only 2 of the 25 job killer bills identified this year remain standing, and 30 CalChamber-opposed bills have been stalled.

Below are some of the CalChamber-opposed bills that business groups and the CalChamber have helped stop. See the [Status Update report](#) in this edition of *Alert* to see the status of other major business legislation when legislators began their summer recess. They are scheduled to reconvene on August 16.

Labor and Employment

- **AB 995 (Lorena Gonzalez; D-San Diego):** Job killer would have imposed new costs and leave requirements on employers of all sizes by expanding the number of paid sick days employers are required to provide, which is in addition to all of the recently enacted leave mandates (COVID-19 sick leave, Cal/OSHA emergency paid time off, California Family Rights Act leave,

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CalChamber Backs Bipartisan Infrastructure Framework



The California Chamber of Commerce is urging the California congressional delegation

to support the bipartisan infrastructure plan endorsed by President Joe Biden and a bipartisan group of congressional members.

In a July 29 letter to members of the California congressional delegation, the CalChamber pointed out that the state's \$3.1 trillion economy depends on the condition of its infrastructure.

"The Bipartisan Infrastructure Framework will be good for California's economy and quality of life. It is worthy of your support," the CalChamber told the congressional delegation.

Roads, highways, bridges and rail networks are the bloodstream of the California economy, providing passage for delivering agricultural products to state ports, just-in-time components to manufacturers, as well as getting tourists to recreation and entertainment centers and workers to their jobs.

Partnership

Paying for the transportation network historically has been a partnership between the federal government and the states.

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Free Resources to Help Raise Awareness on Importance of COVID-19 Vaccines



California is urging business and community partners to help raise awareness on COVID-19 vaccines and

inform others on how they can get vaccinated. Vaccines are key to helping Californians return to work safely, reunite with friends and family, and travel with confidence.

To support these efforts, the California Department of Public Health (CDPH) has developed free tools to help promote vaccines and address misinformation.

These ready-to-use promotional materials include:

- **Small business toolkit:** Help businesses in your community quickly learn how to promote getting vaccinated with this toolkit, which is available in English and Spanish.
- **Vaccination toolkit:** Use the toolkit to help those in your network engage on social media, review vaccine talking points and FAQs, and access copy to share on websites, emails, etc.
- **Business posters:** Access posters for display and make them available for download on your website or through

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Labor Law Corner

Clearing Confusion About Current COVID-19 Workplace Safety Rules



Matthew J. Roberts
Employment Law
Counsel/Subject
Matter Expert

Each day I see new reports on what the requirements are for wearing masks at work. How do I figure out what my company must do comply?

With COVID-19 cases back on the rise and mitigation strategies, like face covering mandates, back, it feels like we have jumped into a time machine to go back to the past.

The issue now is that California is

becoming a patchwork of different rules that is largely dependent upon where a business' work is performed, which is causing quite a bit of confusion. To help employers, here's a roadmap to understand the varying rules and how to continue to track them into the future.

Cal/OSHA Emergency Standard

For many employers, the [previously reported](#) California Division of Occupational Safety and Health (Cal/OSHA) COVID-19 Emergency Temporary Standards revisions that took effect on June 17, 2021, represented what was thought to be a set standard to follow for the foreseeable future. In those [revisions](#), employers can require face coverings for all employees indoors, or if they wish to relax the face covering rule, most employers may allow documented, fully vaccinated employees to work without face coverings at all times indoors.

Employees who are still not fully vaccinated or who decline to provide the required proof must continue to wear face coverings in most indoor settings following the California Department of Public Health [face covering guidance](#).

While the emergency temporary standards did provide for flexibility while increasing some administrative burdens on employers to document vaccination status to obtain that flexibility, they also

provided a set standard for all California employers. However, a provision in the standards since they were first implemented on November 30, 2020, requires that all employers follow local health orders should they require more stringent rules than the emergency temporary standards. This is where the last couple of weeks have started to create a lot of confusion starting with Los Angeles County's revised public health order.

Local Health Orders

As [previously reported](#), Los Angeles County revised its [public health order](#) effective on July 17, 2021, that now requires all persons regardless of vaccination status to wear face coverings in all indoor public settings, venues, gatherings and businesses. This means that employers with employees performing work indoors in Los Angeles County must require those employees to wear face coverings.

As it turns out, Los Angeles County was just the first domino to fall as the following counties and city have now all instituted similar indoor masking mandates:

- [Sacramento](#) (effective 7/30/21);
- [Yolo](#) (Effective 7/30/21);
- [Alameda](#) (Effective 8/3/21);
- [Contra Costa](#) (Effective 8/3/21);

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CalChamber-Sponsored Seminars/Trade Shows

More at www.calchamber.com/events.

Labor and Employment

Proposition 65 Annual Conference. Prop. 65 Clearinghouse. September 27, Online. (415) 391-9808.

International Trade

Exporting Basics: An Introductory Seminar. Port of Los Angeles. August 11, Online. (310) 732-7785.

Freight Disruption in the Global Supply Chain. National Association of District Export Councils. August 11, Online.

Port to Port Conversation. Women in International Trade, Los Angeles.

August 19, Online. (213) 545-6479.

SBA Export Finance Program. U.S. Small Business Administration. August 14, Online. (800) 827-5722.

EXIM 2021 Virtual Annual Conference. Export-Import Bank of the United

States. September 21–23, Online. (800) 565-EXIM (3946).

2021 Taiwan Trade Shows. Taiwan External Trade Development Council. October 6–9, Taipei. +886-2-2725-5200.

Expo Dubai 2021. Expo 2020 Dubai UAE. October 1, 2021–March 31, 2022, Dubai, United Arab Emirates. (+971) 800 EXPO (3976).

Build Expo Greece 2021. Build Expo. October 15–17, Athens, Greece. +30 211 180 1801.

2021 Select LA Investment Summit.

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The Workplace

COVID-19 Wave Spurs New Mask Orders



In Episode 127 of The Workplace podcast, CalChamber Executive Vice President and General Counsel Erika Frank, and

employment law expert Matthew Roberts discuss the reinstatement of COVID-19 mask requirements across California.

Given the unpredictability of the COVID-19 pandemic, government guidance and mandates may be altered at any time. Information presented in this podcast is accurate as of August 5, 2021.

New Mask Requirements

With cases of COVID-19 spiking and the widespread emergence of the highly contagious Delta variant, public health officials across the state have begun reinstating mask mandates, regardless of whether people are vaccinated, Frank tells podcast listeners. About half of California counties have now reinstated mask policies that require everyone to wear a mask indoors, causing confusion among employers as there have been instances where the Centers for Disease Control and Prevention will say one thing and then the California Department of Public Health (CDPH) will say another and then local health departments will say another.

So, Frank asks Roberts, how can a business know when a mask mandate applies to them?

Roberts answers that employers should start by checking with their local government. What does the employer's local public health department say?

The California Division of Occupational Safety and Health (Cal/OSHA) has rules for the entire state, but an employer's local health department may have stricter rules in place. And if they do, he explains, then the employer has to follow the stricter rules first.

If an employer resides in a county that has not yet imposed a masking requirement, then it is at the employer's discretion to establish a universal masking policy that doesn't take vaccination status into consideration, Roberts says.

In fact, some employers have said that requiring everyone to wear a mask is easier to manage and prevents unvaccinated employees from feeling singled out, Frank adds.

Risk of Liability, Penalties

If an employer decides not to enforce their local health orders and not require their workers to mask up, they may incur penalties and risk litigation. Public health orders typically contain penalties, and in some cases, Cal/OSHA has the authority to shut down a business, Roberts says. Moreover, employees would be considered to be working in an unsafe work

environment and would be able to file complaints or even refuse to come into work—as has happened throughout the pandemic.

“So, [there are] lots of angles from where claims can arise with regards to not following these mandates,” he points out.

Disciplinary Actions

If an employer has a mask policy in place and an employee refuses to abide by the policy, disciplinary action may be taken, Roberts explains. It is up to the employer to correct the behavior, so whether that correction means issuing warnings, final warnings or termination, it is important for employers to get everyone in compliance.

In closing the podcast, Frank reminds employers that even though Cal/OSHA uses a person's vaccination status to determine whether they need to wear a mask, if an employer's locality has issued an order requiring everyone to wear a mask, then the employer needs to follow their local orders.

Many counties are issuing new orders, and it's important that employers stay up to date as fast as they can. Employers should check their local health department's website or call the office directly. Employers shouldn't rely solely on their news outlet to report updates, but should go directly to the source, Frank urges. Doing so will help you stay on track and in compliance.



CalChamber Member Feedback

“CalChamber’s strategic thinking and its commonsense advocacy and policy solutions to our biggest business growth and job creation issues in the private sector make CalChamber a critical partner for our organization.”

Kailesh Karavadra
West Growth Markets Leader
Ernst & Young LLP

CalChamber, Allies Stop Anti-Business Legislation

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workers' compensation, etc.) that small employers throughout the state are already struggling with to implement and comply.

- **AB 1119 (Wicks; D-Oakland):** Job killer would have imposed new burdens on employers to accommodate any employee with family responsibilities, which would have essentially included a new, uncapped protected leave for employees to request time and exposes employers to costly litigation under the Fair Employment and Housing Act that any adverse employment action was in relation to the employee's family responsibilities, rather than a violation of employment policies.

- **AB 1179 (Carrillo; D-Los Angeles):** Job killer would have imposed a new, costly mandate on public and private employers to cover up to 60 hours of employees' childcare costs each year, with any alleged violation resulting in litigation under the Private Attorneys General Act (PAGA).

- **AB 1192 (Kalra; D-San Jose):** Job killer would have placed new onerous administrative burdens on employers by requiring annual reporting of wage and hour data and employee benefits on an employer's entire United States workforce that would have publicly shamed employers for lawful conduct by publishing that data on the Labor and Workforce Development Agency's website, and would have subjected employers to frivolous litigation and settlement demands.

Workers' Compensation

- **AB 1465 (Reyes; D-San Bernardino):** Prior to amendments, would have mandated the creation of state-run Medical Provider Network for workers' compensation claims, which would have imposed millions of dollars of costs on the current system as well as the state while reducing injured workers' access to quality care. CalChamber job killer tag and opposition were removed due to April 26, 2021 amendments

narrowing the bill to only require a study of access to workers' compensation care in medical provider networks.

- **SB 213 (Cortese; D-San Jose):** Job killer would have significantly increased workers' compensation costs for public and private hospitals by presuming certain diseases and injuries are caused by the workplace and would have established an extremely concerning precedent for expanding presumptions into the private sector.

Tax Increases

- **AB 71 (Luz Rivas; D-Arleta):** Job killer would have significantly increased the taxation on the gross income of international companies to create a homelessness fund, thereby shifting the responsibility of the crisis onto the private sector, despite the state's \$15 billion in unexpected revenue.

Health Care

- **SB 568 (Pan; D-Sacramento):** Would have increased health care costs by prohibiting a deductible requirement for a covered prescription drug as well as certain equipment and supplies, and would have limited the amount paid for the benefit to no more than the amount of copayment or coinsurance specified in the applicable summary of benefits and coverage.

Environmental

- **AB 426 (Bauer-Kahan; D-Orinda):** Would have expanded the authority of Regional Air Districts to regulate mobile sources and additional pollutants, which are already the purview of the Air Resources Board, resulting in duplicative regulations and increased costs.

- **AB 1001 (Cristina Garcia; D-Bell Gardens):** Would have threatened substantial increases in the cost of goods and services of entities subject to cap-and-trade by doubling our 2030 carbon emissions reduction goals.

- **AB 1547 (Reyes; D-San Bernardino):** Would have duplicated the

California Environmental Quality Act and created an across-the-board buffer for warehouse projects, usurping local authority over land use decisions.

- **SB 260 (Wiener; D-San Francisco):** Would have imposed a mandatory climate tracking, auditing, and cap on climate emissions that would have fallen heavily on all California businesses, impacting competitiveness and increasing costs.

- **SB 449 (Stern; D-Canoga Park):** Would have required any business with revenues over \$500 million annually to prepare a financial risk assessment on its holdings including any supply chain assets.

Infrastructure

- **SB 12 (McGuire; D-Healdsburg):** Would have established legally treacherous land use hurdles that would have provided NIMBY opponents with additional tools to block the development of housing in very high fire severity zones even though housing projects will be required to develop to the highest building code and fire resiliency standards in the world.

Privacy and Consumer Protection

- **AB 613 (Cristina Garcia; D-Bell Gardens):** Would have required platforms, as defined, to place labels on images, specifically those that have been altered with regard to bodily figure or skin, and are posted for promotional or commercial purposes.

Recycling

- **AB 1371 (Friedman; D-Glendale):** Would have banned critical packaging materials from being able to be sold or distributed in California without regard for whether any adequate substitutes are available nor how such a policy would lead to more waste created by spoilage and breakage and additional greenhouse gas (GHG) emissions from much heavier packaging.

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 July 16, when the Legislature began its summer recess.

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

The CalChamber will publish a second status report in September, showing the status of priority legislation when the Legislature begins its interim recess on September 10.

October 10 is the last day for the Governor to sign or veto bills passed by the Legislature before September 10 and in the Governor’s possession on or after September 10.

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, 2022. 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 November 5.

Status of legislative action on bills as of July 16, 2021. Dates listed are the date the bill was assigned to a committee, the latest date of committee action, the next hearing date or when the bill reached the Senate or Assembly floor, unless action is stated.

Subject—CalChamber Position	Status
Agriculture, Food and Natural Resources	
Bees. AB 391 (Villapudua; D-Stockton) Appropriates funding to the Department of Food and Agriculture and its partners to reach out and facilitate grower participation in farm practices that improve or enhance bee habitat and forage. Support.	Senate Appropriations Suspense File 7/5/21
Dispute Resolution. AB 554 (Mathis; R-Visalia) Helps landowners resolve disputes over regulatory conflicts with the Department of Fish and Wildlife. Support.	Assembly Appropriations Suspense File 4/28/21; Failed Deadline
Labeling. SB 651 (Wieckowski; D-Fremont) Requires food product packing and menus and menu boards to disclose if synthetic dyes are used in the food item. Oppose.	Senate Health 3/3/21; Failed Deadline
Air Quality	
Duplicative Regulatory Authority. AB 426 (Bauer-Kahan; D-Orinda) Expands the authority of Regional Air Districts to regulate mobile sources and additional pollutants, which are already the purview of the Air Resources Board, resulting in duplicative regulations and increased costs. Oppose.	Assembly Natural Resources 2/12/21; Failed Deadline
Duplicative Regulatory Authority. AB 1547 (Reyes; D-San Bernardino) Duplicates the California Environmental Quality Act and creates an across-the-board buffer for warehouse projects, usurping local authority over land use decisions. Oppose.	Assembly Natural Resources 3/25/21; Failed Deadline
Overrides Democratic Process. SB 342 (Lena Gonzalez; D-Long Beach) Seeks to expand board membership and imposes limitations on the types of appointees to the local air districts. Oppose.	Senate Inactive File 6/3/21; Failed Deadline

Subject—CalChamber Position	Status
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Banking and Finance

<p>New Mandate. AB 1177 (Santiago; D-Los Angeles) Imposes penalties and risk of litigation under the Labor Code Private Attorneys General Act (PAGA) against employers with regard to employee payroll deductions and deposits into State bank. Oppose.</p>	<p>Senate Appropriations 7/7/21</p>
<p>Onerous New Report. SB 449 (Stern; D-Canoga Park) Requires any business with revenues over \$500 million annually to prepare a financial risk assessment on its holdings including any supply chain assets. Oppose.</p>	<p>Senate Appropriations Suspense File 5/17/21; Failed Deadline</p>
<p>Crowdfunding. AB 511 (Muratsuchi; D-Torrance) Allows start-up and emerging small businesses to help find investors to help capitalize them while providing greater protections for investors participating in crowdfunding. Support.</p>	<p>Senate Appropriations 7/6/21</p>
<p>Credit Availability. AB 1089 (Grayson; D-Concord) Prevents frivolous and false disputes made by credit repair services that delay credit availability. Updates the Credit Repair Services Act to provide transparency for costs of services rendered and expected results Support.</p>	<p>Assembly Appropriations Suspense File 5/12/21; Failed Deadline</p>
<p>Debt Collection Abuse. SB 373 (Min; D-Irvine) Harms businesses by allowing dismissal of valid debts. Negates existing legal remedies and court oversight. Oppose Unless Amended.</p>	<p>Senate Banking and Financial Institutions 2/17/21; Failed Deadline</p>

Budget

<p>COVID-19 Paid Sick Leave. SB 95 (Skinner; D-Berkeley) Imposes costly new paid sick leave mandate on employers that is retroactive to January 1, 2021, exposing employers to litigation. Oppose.</p>	<p>Signed—Chapter 13 3/19/21</p>
<p>Onerous Return to Work Mandate. AB 84 (Assembly Budget)/SB 93 (Senate Budget and Fiscal Review) Imposes an onerous and stringent process for specific employers to return employees to the workforce for specified industries, including hotels and restaurants that have been disproportionately impacted by this pandemic, which would have delayed rehiring and employers' ability to reopen after being forced to close or reduce operations due to COVID-19. Oppose.</p>	<p>AB 84 Senate Budget and Fiscal Review 5/18/21; SB 93 Signed—Chapter 16 4/16/21</p>
<p>Public Employment. SB 132 (Senate Budget and Fiscal Review) Punishes University of California for use of contractors by encumbering its ability to spend or pledge public funds for facilities unless a third party audits and certifies its use of direct employees for every service performed at those facilities. Oppose.</p>	<p>Assembly Budget 6/29/21</p>

California Environmental Quality Act (CEQA)

<p>CEQA Transparency. AB 819 (Levine; D-San Rafael) Codifies existing best practices by requiring lead agencies to post and submit electronically certain CEQA notice and other environmental review documents. Support.</p>	<p>Signed—Chapter 97</p>
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Climate Change

<p>Increased Regulatory Burden. SB 260 (Wiener; San Francisco) Imposes a mandatory climate tracking, auditing, and cap on climate emissions that will fall heavily on all California businesses, impacting competitiveness and increasing costs. Oppose.</p>	<p>Senate Appropriations Suspense File 5/17/21; Failed Deadline</p>
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Subject—CalChamber Position	Status
Increased Costs and Consolidation of Markets. AB 284 (R. Rivas; D-Hollister) Imposes a climate neutrality goal on California agricultural operations prior to the development of a statewide climate neutrality plan, which will increase the cost of food and potentially consolidate markets. Oppose Unless Amended.	Senate Appropriations 7/14/21
Substantial Cost Increase. SB 582 (Stern; D-Canoga Park) Threatens substantial increases in the cost of goods and services of entities subject to cap-and-trade by doubling our 2030 carbon emissions reduction goals. Oppose.	Senate Inactive File 6/3/21; Failed Deadline
Limits Technological Development. AB 1395 (Muratsuchi; D-Torrance) Proposes to limit the technology necessary to reach our carbon neutrality goals by imposing a 10% cap on technology-assisted carbon reductions, sending market signal to not develop carbon removal technology. Oppose.	Senate Appropriations 7/13/21
Cost Shift on Agricultural Products. SB 27 (Skinner; D-Berkeley) Originally sought to impose carbon neutrality metrics on the agricultural sector, resulting in cost shifts to consumers and reduction in crop diversity. Opposition removed after amendments that provide more flexibility for the agricultural sector. Neutral.	Assembly Appropriations 7/15/21
Increases Costs. AB 1218 (McCarty; D-Sacramento) Imposes a “feebate” structure on manufacturers, which has the effect of increasing the cost of all vehicles in a manufacturer’s fleet, including the cost of light duty vehicles used by commercial and industrial businesses. Oppose.	Assembly Appropriations 4/19/21; Failed Deadline

Crime

Retail Theft Enforcement. AB 331 (Jones-Sawyer; D-South Los Angeles) Extends the organized retail theft criminal statutes and the California Highway Patrol’s task force to better enforce crimes against retailers. Support.	Signed—Chapter 113 7/21/21
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Education

Facilitate Pupil Financial Aid Applications. AB 469 (Reyes; D-San Bernardino) Requires high schools to assist students in preparing the Free Application for Federal Student Aid (FAFSA), which would ensure that more of California’s students receive already-available federal funds to pursue higher education. Also includes an opt out provision for circumstances where such completion is not necessary or preferred. Support.	Senate Appropriations 7/14/21
Computer Science Access Initiative. AB 498 (Quirk-Silva; D-Fullerton) Establishes the Computer Science Access Initiative to be administered by the California Department of Education to provide grants to school districts, county offices, or other educational entities that will help educational entities train educators with computer science skills so that they can pass those economically critical skills on to California’s students. Support.	Senate Appropriations 7/7/21
Federally Preempted Limitation on Arbitration. AB 272 (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.	Senate Floor 6/17/21
Ensure California Students Can Complete Cal Grant Applications Despite COVID-19-Related Disruptions. AB 1185 (Cervantes; D-Corona) Temporarily extends the deadline for Californians to apply for Cal Grant funding to support higher education to allow for COVID-19-related disruptions to the application process. Support.	Senate Appropriations 6/30/21

Subject—CalChamber Position	Status
<p>School Facilities Act. AB 75 (O'Donnell; D-Long Beach) Establishes an ongoing fund to assist school districts in modernizing their facilities. Partner legislation to SB 22. Support.</p>	<p>Senate Education 6/18/21</p>
<p>School Facilities Bond. SB 22 (Glazer; D-Contra Costa) Places a \$15 billion bond on the 2022 ballot to address overdue maintenance for educational facilities of all levels — from preschool through college — in California, prioritizing facilities that are older than 75 years. Partner legislation to AB 75. Support.</p>	<p>Senate Education and Senate Higher Education 6/10/21</p>
<p>Educational Data System. AB 99 (Irwin; D-Thousand Oaks) Takes a critical step in the formation of an over-arching data repository of student progress in California by creating the governing board for the ensuing system. Eventually, this “Cradle to Career” system will connect the data of various state agencies, the University of California, the California State University, and the California Community College systems. This unified database will improve our ability to analyze and improve educational outcomes for California’s students. Support.</p>	<p>Senate Education 6/9/21; Failed Deadline</p>
<p>Grants to Encourage Career Technical Education. AB 299 (Villapudua; D-Stockton) Creates the California Apprenticeship Grant Program, under the Chancellor of the California Community Colleges, to provide grants to support high school and community college students, as well as unemployed and employed workers, who are seeking career technical education and are enrolled in a qualified apprenticeship program. Support.</p>	<p>Assembly Higher Education 2/12/21; Failed Deadline</p>

Elections and Fair Political Practices

<p>Restrictions on Citizen Ballot Initiatives and Voter Signature Gathering. SB 660 (Newman; D-Fullerton) Drastically increases the cost of voter initiatives by requiring any citizen initiative to pay employees an hourly rate to collect signatures for ballot initiatives, referendums, and recall petitions, as opposed to piece-rate signature gathering, thus excluding low-funded citizen initiatives from the ballot process. Oppose.</p>	<p>Assembly Appropriations Suspense File 7/7/21</p>
<p>Political Contributions Disclosures for LLCs. AB 236 (Berman; D-Palo Alto) Expands disclosure obligations to limited liability companies (LLCs) and requires LLCs to file a statement of members for any political contribution of \$1,000 or more. Opposition removed due to May 20, 2021 amendments that increase the financial threshold, reduce the lookback period for inclusion on the statement of members, and strike section 84110 from the bill. Neutral.</p>	<p>Assembly Inactive File 6/3/21</p>
<p>Political Contributions Disclosures for LLCs. SB 686 (Glazer; D-Contra Costa) Expands disclosure obligations to LLCs and requires LLCs to file a statement of members for any political contribution of \$1,000 or more. Opposition removed due to June 23, 2021 amendments that increase the financial threshold, reduce the lookback period for inclusion on the statement of members, and strike section 84110 from the bill. Neutral.</p>	<p>Assembly Appropriations Suspense File 7/7/21</p>
<p>Ban on Political Contributions from Investor-Owned Utilities. AB 871 (Kiley; R-Roseville) Places an outright ban on political contributions only for investor-owned utilities, likely in violation of the First Amendment. Oppose.</p>	<p>Held in Assembly Elections 4/15/21</p>
<p>Elections Referenda and Ballot Language. SCA 1 (Hertzberg; D-Van Nuys) Together with SB 443 will change the California Constitution to swap the meaning of a “yes” vote and a “no” vote, creating confusion to the public and voters and adding superfluous legalese to the ballot. Oppose.</p>	<p>Senate Appropriations Suspense File 7/15/21</p>
<p>Elections Referenda and Ballot Language. SB 443 (Hertzberg; D-Van Nuys) Together with SCA 1 will change the California Constitution to swap the meaning of a “yes” vote and a “no” vote, creating confusion to the public and voters and adding superfluous legalese to the ballot. Oppose.</p>	<p>Assembly Rules 6/17/21</p>

Subject—CalChamber Position	Status
Energy	
Utility Rate Increase. SB 67 (Becker; D-Menlo Park) Threatens rate increases by proposing to alter the renewable portfolio standard to incorporate an every-hour newly defined “clean energy” standard. Oppose.	Senate Energy, Utilities and Communications 3/11/21; Failed Deadline
Eliminates Electric Customer Refund. AB 1087 (Chiu; D-San Francisco) Eliminates 85% of the Climate Credit created as part of the cap-and-trade program, which provides bill refunds to residential and business customers that the Legislature determined would face a risk of closure due to cost burdens. Oppose.	Assembly Appropriations Suspense File 5/12/21; Failed Deadline
Utility Rate Increase. SB 31 (Cortese; D-San Jose) Proposes to expand ratepayer-funded program for building electrification, benefiting one class of utility ratepayers at the expense of the remainder of the utility rate base, which would increase residential and commercial utility bills. Oppose.	Senate Appropriations Suspense File 5/10/21; Failed Deadline
Increased Rates and Insurance Premiums. SB 440 (Dodd; D-Napa) Funds home hardening program that benefits only some residents by imposing an additional premium and threatening energy rate increases that could destabilize the energy market. Oppose.	Senate Insurance 2/21/21
Rate Increase. SB 345 (Becker; D-Menlo Park) Adds nonjurisdictional “benefits” into statutory cost benefit analysis conducted by the Public Utilities Commission, resulting in cost shifts to ratepayers. Oppose.	Senate Appropriations Suspense File 4/5/21; Failed Deadline
Environmental Regulation	
Oil and Gas Development Ban. SB 467 (Wiener; D-San Francisco) Eliminates thousands of high-paying California jobs and requires California to import even more foreign oil by shutting down approximately 95% of oil and gas production in California. Oppose/ Job Killer .	Failed Passage in Senate Natural Resources and Water 4/13/21; Failed Deadline
Proposition 65 Reform. AB 693 (Chau; D-Monterey Park) Bans out-of-court settlements, thereby substantially raising the costs for many companies to settle cases; provides a 14-day cure provision for food entities that are alleged to have a Proposition 65 violation; and requires the underlying data a private enforcer gives to the California Attorney General to the defendant. Oppose Unless Amended.	Assembly Environmental Safety and Toxic Materials 4/21/21
Anti-Housing. SB 261 (Allen; D-Santa Monica) Substantially increases the difficulty and costs to build more housing in California by compelling the California Air Resources Board to set future greenhouse gas (GHG) emissions reduction targets and new vehicle miles traveled reduction targets for automobiles and light duty trucks for all metropolitan planning organizations, and then further mandates that those targets be included in each region’s adopted regional transportation plan by 2022. Oppose.	Senate Transportation 3/15/21; Failed Deadline
Increased Oversight of Oil Wells. SB 25 (Hurtado; D-Sanger) Enhances the regulatory oversight of well stimulation treatments to ensure public health and safety by requiring the operator of a well to monitor for earthquakes of magnitude 2.7 or greater from the beginning of the process until 30 days after completion. If an earthquake of that magnitude occurs, the operator would be required to immediately notify the California Geologic Energy Management Division (CalGEM) and cease operations until CalGEM has completed an evaluation and is satisfied that the hydraulic fracturing does not create a heightened risk of seismic activity. Support.	Senate Natural Resources and Water 3/18/21; Failed Deadline
Substantial Cost Increase. AB 1001 (C. Garcia; D-Bell Gardens) Threatens substantial increases in the cost of goods and services of entities subject to cap-and-trade by doubling our 2030 carbon emissions reduction goals. Oppose.	Assembly Natural Resources 3/4/21; Failed Deadline

Subject—CalChamber Position	Status
<h2 style="color: red;">Gaming/Alcohol</h2>	
<p>Alcohol Sales. SB 389 (Dodd; D-Napa) Allows restaurants to sell prepackaged alcohol for off-site consumption. Support.</p>	<p>Assembly Appropriations 7/12/21</p>
<p>Wineries. SB 19 (Glazer; D-Contra Costa) Opens new opportunities for increased revenues by allowing wineries to have one additional off-site tasting room. Support.</p>	<p>Assembly Appropriations 6/29/21</p>
<h2 style="color: red;">Hazardous Waste</h2>	
<p>Treated Wood Waste. AB 332 (Assembly Environmental Safety and Toxic Materials Committee) Provides an option to manage and dispose of treated wood waste through alternative standards if certain criteria are met, a process that had been in place for decades before sunseting in 2020, in order to avoid the unnecessary and cost-prohibitive management of these materials as Resource Conservation and Recovery Act (RCRA) hazardous waste materials. Support.</p>	<p>Senate Floor 7/15/21</p>
<h2 style="color: red;">Health Care</h2>	
<p>Government-Run Health Care. AB 1400 (Kalra; D-San Jose) Penalizes responsible employers and individuals and results in significant new taxes on all California businesses and individuals by creating a new single-payer government-run, multibillion-dollar health care system financed by an unspecified and undeveloped “revenue plan.” Oppose/Job Killer.</p>	<p>To Print in Assembly 2/19/21; Failed Deadline</p>
<p>Costly Health Care Coverage Mandate. AB 570 (Santiago; D-Los Angeles) Originally sought to mandate employees’ dependent parents and stepparents be provided health care coverage on employer-sponsored health plans. Opposition removed after May 24, 2021 amendments required only individual health plans, not employer-sponsored plans, provide coverage to dependent parents and stepparents. Neutral.</p>	<p>Senate Appropriations Suspense File 7/15/21</p>
<p>Increases Health Care Costs. SB 568 (Pan; D-Sacramento) Increases health care costs by prohibiting a deductible requirement for a covered prescription drug as well as certain equipment and supplies, and limits the amount paid for the benefit to no more than the amount of copayment or coinsurance specified in the applicable summary of benefits and coverage. Oppose.</p>	<p>Assembly Health 6/10/21; Failed Deadline</p>
<p>Increases Health Care Costs. SB 524 (Skinner; D-Berkeley) Increases prescription drug costs for consumers by preventing certain network designs between health plans, insurers, pharmacy benefit managers, and pharmacies. Oppose.</p>	<p>Assembly Appropriations 7/7/21</p>
<p>Health Care Cost Increase. SB 306 (Pan; D-Sacramento) Mandates health care service plans to provide coverage for home test kits for sexually transmitted diseases as well as their associated laboratory processing costs which will increase employer health care premiums. Oppose.</p>	<p>Assembly Appropriations 7/6/21</p>
<p>Increases Health Care Costs. AB 97 (Nazarian; D-Van Nuys) Increases health care costs by prohibiting a health care service plan or a health disability insurance policy from imposing a deductible on an insulin prescription drug. Oppose.</p>	<p>Senate Appropriations 7/14/21</p>
<p>Increases Health Care Costs. SB 473 (Bates; R-Laguna Niguel) 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.</p>	<p>Senate Health 2/25/21; Failed Deadline</p>

Subject—CalChamber Position	Status
<p>Increases Health Care Premiums. AB 1011 (Waldron; R-Escondido) Increases health care premiums by mandating lowest-tier coverage of all Food and Drug Administration-approved outpatient prescription medication related to treatment of substance use disorders and by eliminating all quality control and cost containment mechanisms. Oppose.</p>	<p>Assembly Health 3/4/21; Failed Deadline</p>
<p>Encourages Litigation and Disrupts Established Law. AB 849 (Reyes; D-San Bernardino) Encourages litigation and overturns state Supreme Court precedent by amending the Health and Safety Code to allow for \$500 per Patients' Bill of Rights violation for skilled nursing facility residents. Oppose.</p>	<p>Senate Floor 6/24/21</p>
<p>Creates State Office to Review, Analyze and Assess Health Care Cost Trends. AB 1130 (Wood; D-Santa Rosa) Creates the Office of Health Care Affordability, which will analyze the health care market for cost trends and drivers of spending, create a state strategy for controlling the cost of health care and ensure affordability for consumers and purchasers, and enforce cost targets. Support If Amended.</p>	<p>Senate Health 6/16/21; Failed Deadline</p>
<p>Reduction in Telehealth Options. AB 457 (Santiago; D-Los Angeles) Disrupts benefit design and limits patient telehealth options by requiring a health plan or insurer arrange for an enrollee to treat with a third-party telehealth provider only if the service is not available through a contracting individual health professional. Oppose.</p>	<p>Senate Appropriations Suspense File 7/15/21</p>
<p>Mandated Health and Dental Plan Payments to Providers for Business Expenses. SB 242 (Newman; D-Fullerton) Onerous mandate that requires health plans, health insurers, and dental plans to permanently fund provider expenses for personal protective equipment (PPE), infection control supplies, information technology systems, and other undefined business expenses. Oppose.</p>	<p>Assembly Appropriations 7/13/21</p>
<p>Increases Health Care Costs. AB 454 (Rodriguez; D-Pomona) Increases health care costs by requiring health plans and insurers provide financial relief to providers who have been impacted by a declared state of emergency. Oppose.</p>	<p>Assembly Appropriations Suspense File 5/12/21; Failed Deadline</p>
<p>Burdensome Reporting Requirements. SB 637 (Newman; D-Fullerton) Burdens hospitals with unnecessary and redundant reporting requirements regarding staffing and COVID-19 positivity rates. Oppose.</p>	<p>Assembly Appropriations 7/15/21</p>
<p>Locking Vial Mandate for Schedule II Drugs. AB 1430 (Arambula; D-Fresno) Increases prescription drug prices by requiring nonhospital pharmacies to dispense schedule II and IIN drugs in a lockable vial and seek reimbursement for the vials from drug manufacturers. Oppose.</p>	<p>Assembly Appropriations Suspense File 5/12/21; Failed Deadline</p>
<p>Overbroad Attorney General Review Authority. SB 642 (Kamlager; D-Los Angeles) Gives the Attorney General unnecessary and overbroad power to reject hospital and health system mergers, affiliations, sales or acquisitions. Oppose Unless Amended.</p>	<p>Senate Appropriations Suspense File 5/17/21; Failed Deadline</p>
<p>Increases Health Care Costs. AB 935 (Maienschein; D-San Diego) Increases health care costs by requiring the establishment and provision of a dedicated maternal and child psychiatric telehealth consultation program for providers. Oppose.</p>	<p>Assembly Appropriations 4/27/21; Failed Deadline</p>
<p>Increases Health Care Costs. SB 535 (Limón; D-Goleta) Increases health care costs by prohibiting health plans and insurers from requiring prior authorizations for genetic biomarker testing for a patient with advanced, metastatic, recurrent, or progressive stage 3 or 4 cancer. Oppose.</p>	<p>Assembly Appropriations 7/8/21</p>
<p>Telehealth Payment Parity. AB 32 (Aguilar-Curry; D-Winters) Requires coverage and reimbursement at parity with the equivalent in-person service for synchronous telehealth, including live video and telephone (audio-only) visits. Oppose Unless Amended.</p>	<p>Senate Health 6/9/21; Failed Deadline</p>

Subject—CalChamber Position	Status
<p>Increases Health Care Premiums. SB 562 (Portantino; D-La Cañada Flintridge) Increases costs and undermines the ability of health care issuers to promote and manage applied behavioral analysis for children with autism by making a number of changes to how the autism services are provided. Oppose.</p>	<p>Assembly Appropriations 6/24/21</p>
<p>Prostate Cancer Screening Mandate. AB 1520 (Levine; D-San Rafael) Prohibits health plans and insurers from applying a deductible, copayment, or coinsurance to coverage for prostate cancer screening services for certain enrollees and insureds. Oppose.</p>	<p>Assembly Appropriations Suspense File 5/5/21; Failed Deadline</p>
<p>Continues Review of Health Care Mandates. AB 1082 (Waldron; R-Escondido) Protects employers from increased health care premiums by extending authorization of the California Health Benefits Review Program to provide the Legislature valuable independent analyses of the medical, financial and public health impacts of proposed health insurance benefit mandates and repeals. Support.</p>	<p>Senate Appropriations Suspense File 7/5/21</p>

Housing and Land Use

<p>Development Ban. SB 55 (Stern; D-Canoga Park) Removes local land use authority by prohibiting any residential or commercial construction in either Very High Fire Severity Zones or State Responsibility Areas, which effectively bans development activity in 1/3 of the State of California and will exacerbate the existing housing crisis. Oppose/Job Killer.</p>	<p>Senate Governance and Finance 4/15/21; Failed Deadline</p>
<p>Development Ban. SB 499 (Leyva; D-Chino) Prohibits cities and counties from designating any land uses that have potential to adversely impact disadvantaged communities, even if any potential impacts could be mitigated. In doing so, the bill removes local land use authority, creates new CEQA litigation and worsens the state’s housing crisis. Oppose/Job Killer.</p>	<p>Senate Governance and Finance 2/25/21; Failed Deadline</p>
<p>Housing Development Ban. AB 1295 (Muratsuchi; D-Torrance) Removes local land use authority and exacerbates the housing crisis by prohibiting cities and counties from entering into a residential development agreement in Very High Fire Severity Zones, which strips local communities of their land use authority and applies a one-size-fits-all ban on development throughout large swaths of California. Oppose/Job Killer.</p>	<p>Assembly Local Government 3/4/21; Failed Deadline</p>
<p>Wildfire Housing Bill. SB 12 (McGuire; D-Healdsburg) Establishes legally treacherous land use hurdles that would provide NIMBY opponents with additional tools to block the development of housing in Very High Fire Severity Zones even though housing projects will be required to develop to the highest building code and fire resiliency standards in the world. Oppose.</p>	<p>Failed Passage in Assembly Housing and Community Development 7/12/21; Failed Deadline</p>
<p>Pro-Housing Production. SB 9 (Atkins; D-San Diego) Streamlines more infill housing and provides substantial local control to land use development by allowing, among other things, property owners to build two residential units within a single-family residential zone so long as the units are consistent with all local land use laws, including aesthetics which help retain neighborhood character. Support.</p>	<p>Assembly Appropriations 6/22/21</p>
<p>Pro-Housing Production. SB 290 (Skinner; D-Berkeley) Removes four barriers that limit density bonus applicability in California by allowing low-income student housing projects to receive up to one incentive, aligning the density bonus approval requirements with those in the Housing Accountability Act, expanding the definition of for-sale projects beyond common interest developments, and adding a parking waiver for housing developments within one-half mile of transit that include 40% moderate-income, for-sale units. Support.</p>	<p>Assembly Floor 7/15/21</p>
<p>Pro-Housing Production. SB 8 (Skinner; D-Berkeley) Provides technical cleanup to and extends the sunset date for SB 330 (Skinner), a law that promotes more affordable housing by reducing permitting delays and unexpected fees levied during the housing development permitting process. Support.</p>	<p>Assembly Appropriations 7/5/21</p>

Subject—CalChamber Position	Status
<p>Requires Commercial Lessors to Be Safety Net. AB 255 (Muratsuchi; D-Torrance) Requires primarily small commercial lessors to absorb up to 75% of their owed rent from their tenants so long as they claim a COVID-19 related financial impact, thereby turning mom and pop commercial lessors into acting as the state’s safety net. Oppose Unless Amended.</p>	<p>Failed Passage in Assembly 6/2/21; Failed Deadline</p>
<p>Local Control Streamline Housing. SB 10 (Wiener; D-San Francisco) Addresses the need for more housing by providing local cities and counties with full authority to streamline rezoning in their jurisdiction for up to 10 additional middle income density housing units per parcel, if they choose. Support.</p>	<p>Assembly Floor 7/6/21</p>
<p>Housing Production. AB 215 (Chiu; D-San Francisco) Helps ensure more housing units are constructed by requiring any localities not meeting their regional average production requirements to consult with the Department of Housing and Community Development; incentivizes local governments to amend local requirements to encourage more housing production; and empowers the Attorney General to enforce the Housing Crisis Act of 2019. Support.</p>	<p>Senate Appropriations 7/16/21</p>

Immigration

<p>Duplicative Registration of Farm Labor Contractors. AB 364 (Rodriguez; D-Pomona) Requires farm labor contractors to register under and comply with the requirements for foreign labor contractors, despite such contractors already being required to register and comply with their own pre-existing set of requirements under their own farm labor contractors registration system. Oppose.</p>	<p>Senate Appropriations 7/13/21</p>
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Insurance

<p>Rewrite Notice Obligations for Insurance Contracts. AB 1498 (Low; D-Campbell) Creates new, retroactive requirements related to notice for existing insurance contracts, with unclear benefits to consumers. Oppose.</p>	<p>Assembly Insurance 3/11/21; Failed Deadline</p>
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Labor and Employment

<p>Public Shaming of Employers. AB 1192 (Kalra; D-San Jose) Places new onerous administrative burdens on employers by requiring annual reporting of wage and hour data and employee benefits on an employer’s entire United States workforce that will publicly shame employers for lawful conduct by publishing that data on the Labor and Workforce Development Agency’s website, and will subject employers to frivolous litigation and settlement demands. Oppose/Job Killer.</p>	<p>Assembly Inactive File 6/3/21; Failed Deadline</p>
<p>Costly Sick Leave Expansion on All Employers. AB 995 (Lorena Gonzalez; D-San Diego) Imposes new costs and leave requirements on employers of all sizes, by expanding the number of paid sick days employers are required to provide, which is in addition to all of the recently enacted leave mandates (COVID-19 sick leave, Cal/OSHA emergency paid time off, California Family Rights Act (CFRA) leave, workers’ compensation, etc.) that small employers throughout the state are already struggling with to implement and comply. Oppose/Job Killer.</p>	<p>Assembly Inactive File 6/3/21; Failed Deadline</p>
<p>Expansion of Duty to Accommodate Employees and Litigation Under FEHA. AB 1119 (Wicks; D-Oakland) Imposes new burdens on employers to accommodate any employee with family responsibilities, which will essentially include a new, uncapped protected leave for employees to request time off and exposes employers to costly litigation under the Fair Employment and Housing Act (FEHA) that any adverse employment action was in relation to the employee’s family responsibilities, rather than a violation of employment policies. Oppose/Job Killer.</p>	<p>Assembly Appropriations Suspense File 5/12/21; Failed Deadline</p>

Subject—CalChamber Position	Status
<p>Costly New Mandate on Employers to Pay for Employee Childcare. AB 1179 (Carrillo; D-Los Angeles) Imposes a new, costly mandate on public and private employers to cover up to 60 hours of employees’ childcare costs each year, with any alleged violation resulting in litigation under PAGA. Oppose/Job Killer.</p>	<p>Assembly Appropriations Suspense File 5/5/21; Failed Deadline</p>
<p>Healthcare workers: COVID-19 bonuses. AB 650 (Muratsuchi; D-Torrance) Imposes at least an estimated \$7 billion in direct payroll costs on healthcare providers through mandatory bonuses, which will jeopardize access to affordable healthcare due to the billions of dollars the healthcare industry has lost during the pandemic. Prohibits healthcare providers from reducing staff even if they are unable to afford to continue to pay those bonuses. Oppose/Job Killer.</p>	<p>Assembly Inactive File 6/3/21; Failed Deadline</p>
<p>Increased Costs and Liability on Employers. SB 62 (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.</p>	<p>Assembly Appropriations Suspense File 7/14/21</p>
<p>Forced Unionization Process for Agricultural Employees. AB 616 (Stone; D-Scotts Valley) Limits an employee’s ability to independently and privately vote for unionization in the workplace, by essentially eliminating a secret ballot election and replacing it with the submission of representation cards signed by over 50% of the employees, which leaves employees susceptible to coercion and manipulation by labor organizations. Also, unfairly limits an employer’s ability to challenge the cards submitted by forcing employers to post an unreasonable bond, and then limits an employee’s ability to decertify a union, by forcing them to go through the ballot election process instead of submission of representation cards. Also includes an unnecessary presumption of retaliation that is effectively unlimited in scope because it would apply for the duration of an election campaign, which could last for a year or more. Oppose/Job Killer.</p>	<p>Senate Floor 7/15/21</p>
<p>Burdensome New Bereavement Leave Mandate. AB 95 (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 the Private Attorneys General Act (PAGA) and administrative enforcement through the Division of Labor Standards Enforcement). Oppose/Job Killer.</p>	<p>Assembly Appropriations Suspense File 4/21/21; Failed Deadline</p>
<p>Fast Food Industry: Franchises; Wage and Hour. AB 257 (Lorena Gonzalez; D-San Diego) Undermines the existence of the franchise model by holding franchisors responsible for all conduct by individual franchisees. Establishes Fast Food Sector Council that would have unprecedented authority to write its own labor and employment laws for fast food restaurant employees, circumventing the California Legislature and other regulatory agencies’ position in establishing such laws. Oppose.</p>	<p>Failed passage in Assembly 6/3/21; Assembly Inactive File 6/28/21</p>
<p>Onerous Return to Work Mandate. AB 1074 (Lorena Gonzalez; D-San Diego) Prior to amendments, would have imposed an onerous and stringent process that is unlimited in time for specific employers to return employees to the workforce for specified industries, including hotels and restaurants that have been disproportionately impacted by this pandemic, which would have delayed rehiring and employers’ ability to reopen after being forced to close or reduce operations due to COVID-19. Job killer tag removed due to April 19, 2021 amendments eliminating COVID-19 related recall provisions from the bill. Oppose/Former Job Killer.</p>	<p>Senate Appropriations 7/12/21</p>
<p>Limitation on Severance Agreements. SB 331 (Leyva; D-Chino) Unnecessarily limits the use and scope of severance agreements, and subjects employers to multiple threats of litigation for any alleged violations, which will limit the use or offer of severance packages to employees. Oppose.</p>	<p>Assembly Floor 6/24/21</p>

Subject—CalChamber Position	Status
<p>Significant Expansion of Family Leave and Paid Sick Leave. AB 1041 (Wicks; D-Oakland) Prior to amendments, would have significantly expanded multiple existing leave requirements in California that apply to employers of five or more, including small employers with limited employees who are struggling as a result of the pandemic, by allowing an employee to take leave to care for any family member or any person of their choosing without limitation, and subjecting the employer to costly litigation under the Fair Employment and Housing Act or the Labor Code Private Attorneys General Act (PAGA), for any alleged interference, interruption, discouragement, or denial. Job killer tag removed due to April 22, 2021 amendments narrowing the bill so that the only additional persons that an employee can take leave to care for is one designated person per 12-month period. Oppose/Former Job Killer.</p>	<p>Senate Appropriations Suspense File 7/5/21</p>
<p>Required Disclosures and New Travel Time Requirements. AB 857 (Kalra; D-San Jose) 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. Modifies existing law regarding when employee travel time must be compensated. Oppose.</p>	<p>Senate Appropriations 7/13/21</p>
<p>Joint Liability. SB 727 (Leyva; D-Chino) Expands joint liability within construction industry by expanding a direct contractor’s liability to include penalties, liquidated damages, and interest. Oppose Unless Amended.</p>	<p>Assembly Appropriations 7/6/21</p>
<p>Music and Television Industry. AB 1385 (Lorena Gonzalez; D-San Diego) Undermines collective bargaining process by legislating around agreement reached between unions and entertainment industry through years of negotiations. Oppose.</p>	<p>Assembly Labor and Employment 3/18/21; Failed Deadline</p>
<p>Criminal Liability for Good Faith Mistakes. AB 1003 (Lorena Gonzalez; D-San Diego) Prior to amendments, would have proposed to criminalize small employers, managers, and supervisors, who in good faith, make a mistake in the application of the law, that even the Labor Commissioner and the courts disagree with on how to interpret. Job killer tag and opposition removed due to April 22, 2021 amendments narrowing the application of the bill to only criminalize fraudulent and knowingly unlawful conduct by bad actors. Neutral/Former Job Killer.</p>	<p>Senate Appropriations 7/12/21</p>
<p>Small Employer Mediation Program. AB 1033 (Bauer-Kahan; D-Orinda) Establishes a more practical, streamlined procedure for implementing the small employer family leave mediation program established in 2020 by AB 1867 and fixes a drafting error in SB 1383. Sponsor/Co-Sponsor.</p>	<p>Senate Appropriations 7/12/21</p>
<p>Mutual Arbitration Waiver. AB 385 (Flora; R-Ripon) Allows employee and employer to mutually agree to keep all wage claims in court rather than arbitration in exchange for waiver of PAGA penalties. Applies only to claims arising during the COVID-19 pandemic with a sunset date of one year after the end of the state of emergency. Sponsor/Co-Sponsor.</p>	<p>Assembly Labor and Employment 2/12/21; Failed Deadline</p>
<p>Flexible Workweek. AB 230 (Voepel; R-Santee) Allows for an employee-selected flexible work schedule and relieves employers of the administrative cost and burden of adopting an alternative work-week schedule per division, which accommodates employees, helps retain employees, and allows the employer to invest these savings into growing its workforce. Support.</p>	<p>Assembly Labor and Employment 1/28/21; Failed Deadline</p>
<p>Telecommuting/Employee Notices and Acknowledgments; Final Pay. AB 513 (Bigelow; R-O’Neals) Makes commonsense amendments to the Labor Code to allow companies with employees who are telecommuting to comply with notice, acknowledgment, and final paycheck requirements that would otherwise require employees to physically come to the workplace. Support.</p>	<p>Assembly Labor and Employment 2/18/21; Failed Deadline</p>
<p>Telecommuting: Flexibility. AB 1028 (Seyarto; R-Murrieta) Allows employee who is telecommuting the flexibility to choose their own schedule, choose when they take meal and rest breaks, and would eliminate the financial penalty against employers for providing that flexibility as well as PAGA penalties in certain circumstances. Support.</p>	<p>Assembly Labor and Employment 3/4/21; Failed Deadline</p>

Subject—CalChamber Position	Status
Employment Discrimination. AB 1122 (C. Garcia; D-Bell Gardens) Increases diversity in the workplace by limiting the threat of litigation under the Fair Employment and Housing Act against employers that hire and promote diverse applicants. Support.	Assembly Labor and Employment 3/11/21; Failed Deadline
Telecommuting. AB 530 (Fong; R-Bakersfield) Allows employers to satisfy notice requirements under the Labor Code using electronic means for telecommuting employees and allows employers to mail final paychecks so telecommuting employees need not physically come to the workplace to pick up their check. Support.	Assembly Labor and Employment 2/18/21; Failed Deadline
Employee Payroll Records: Time to Produce. AB 436 (Fong; R-Bakersfield) Makes the responsive deadline provisions for employee payroll records requests consistent with the deadline provisions for employee personnel records requests where an employee submits a request for both sets of records. Support.	Assembly Labor and Employment 2/12/21; Failed Deadline
Telecommuting. SB 657 (Ochoa Bogh; R-Yucaipa) Allows employers to satisfy notice requirements under the Labor Code using electronic means for telecommuting employees. Support.	Signed—Chapter 109

Legal Reform and Protection

Pain and Suffering Damages. SB 447 (Laird; D-Santa Cruz) Undermines existing law and provides individuals with an additional category of noneconomic damages for a tort, that will significantly increase attorney fees and costs of litigation in California. Oppose Unless Amended.	Assembly Appropriations Suspense File 7/7/21
Strict Product Liability. AB 1182 (Stone; D-Scotts Valley) Expands strict product liability for alleged defects onto an “electronic place” that did not manufacture or sell the product. Oppose.	Assembly Judiciary 3/4/21; Failed Deadline
Government Price Fixing. AB 286 (Lorena Gonzalez; D-San Diego) Unnecessary government interference in business to business contracts, by fixing a contract price between two private entities. The bill claims to be addressing harm caused by the pandemic, but is not limited to the pandemic, and lacks any data that price fixing will provide any financial relief as opposed to loss. Opposition removed due to April 27, 2021 amendments that removed price fixing. Neutral.	Senate Appropriations 7/14/21
Automatic Renewal and Continuous Service Contracts. AB 390 (Berman; D-Palo Alto) Originally would have created prescriptive notice requirements for automatic renewal and continuous service offers, including requirements for free trials and gifts. Opposition removed due to June 14, 2021 amendments that resolve problems with the timing and means of notice and termination. Neutral.	Senate Floor 6/24/21

Other

Over-Enforcement. AB 54 (Kiley; R-Roseville) Protects businesses from duplicative enforcement by the Department of Consumer Affairs when Cal/OSHA already has enforcement authority and penalties. Support.	Failed passage in Assembly Business and Professions 4/13/21
Over-Enforcement. SB 102 (Melendez; R-Lake Elsinore) Protects businesses from duplicative enforcement by the Department of Consumer Affairs when Cal/OSHA already has enforcement authority and penalties. Support.	Failed passage in Senate Business, Professions and Economic Development 4/5/21

Subject—CalChamber Position	Status
Privacy and Cybersecurity	
Automated Decision Systems for Procurement. AB 13 (Chau; D-Monterey Park) Allows local agencies to require businesses to submit impact assessments to audit automated decision systems as a requirement for successfully submitting bids to cities, but does not clearly define the framework for doing so, and does not account for intellectual property or the effect on businesses that will be excluded from bidding on such contracts because they do not have the resources to conduct such reports. Oppose.	Senate Appropriations 7/14/21
Platform Content Controls for Underage Viewers. AB 1545 (Wicks; D-Oakland) Creates restrictions on specific features and content that can be viewed by underage users online. Oppose.	Assembly Appropriations Suspense File 5/5/21; Failed Deadline
Compulsory Tags on Edited Images. AB 613 (C. Garcia; D-Bell Gardens) Requires platforms, as defined, to place labels on images, specifically those that depict humans and have been altered with regard to bodily figure or skin, and are posted for promotional or commercial purposes. Oppose.	Assembly Privacy and Consumer Protection 2/25/21; Failed Deadline
Mandatory Content Moderation Reporting and Auditing. AB 587 (Gabriel; D-San Fernando Valley) Requires all social media companies to make detailed disclosures on a quarterly basis detailing content moderation practices and procedures, including details that could threaten the security and efficacy of content moderation practices currently in place. Oppose Unless Amended.	Senate Judiciary 6/16/21; Failed Deadline
California Consumer Privacy Act (CCPA) Political Purpose Disclosures. SB 746 (Skinner; D-Berkeley) Requires businesses to disclose detailed information about whether the business uses personal information for political purposes, regardless of whether the use of said information is partisan or whether there is an intent to use such information for political purposes. Oppose.	Senate Inactive File 6/1/21; Failed Deadline
Social Media Content Management. SB 388 (Stern; D-Canoga Park) Requires social media platforms to divulge onerous reports relating to content management to the Department of Justice on an annual basis. Oppose.	Senate Judiciary 4/7/21; Failed Deadline
Restrictions on Personal Health Devices. AB 1252 (Chau; D-Monterey Park) Turns every business offering software or hardware to consumers, including websites and mobile applications, that is designed to maintain identifiable information about an individual’s mental or physical health conditions, into a provider of healthcare subject to the California Confidentiality of Medical Information Act (CMIA). Oppose.	Assembly Inactive File 6/2/21; Failed Deadline
Restrictions on Personal Health Devices. AB 1436 (Chau; D-Monterey Park) Turns every business offering software or hardware to consumers, including websites and mobile applications, that is designed to maintain identifiable information about an individual’s mental or physical health conditions, into a provider of healthcare subject to the California Confidentiality of Medical Information Act (CMIA). AB 1436 was gutted and amended to reflect the language from AB 1252 (Chau). Oppose.	Senate Appropriations 7/14/21
Restrictions on Smart Speakers. AB 1262 (Cunningham; R-San Luis Obispo) Creates an unworkable opt-in for smart speakers requiring mandatory disclosure language that does not accurately describe how all smart speakers function, and creates limitations on how voice data can be used by smart speakers, all while requiring smart speakers to continue functioning. Oppose.	Senate Judiciary 5/19/21; Failed Deadline
Expansion to Information Privacy Act of 1977. AB 825 (Levine; D-San Rafael) Expands the Information Privacy Act of 1977 to include genetic data, broadly defined to include information that is not necessarily the direct result of analysis of a biological sample. Oppose Unless Amended.	Senate Appropriations Suspense File 7/5/21
Limits on Contact Tracing. AB 814 (Levine; D-San Rafael) Prohibits the use of all data that is used to assist with contact tracing and imposes a mandatory deletion requirement, discouraging businesses from using any helpful information or data that can be useful to assist in contact tracing efforts. Oppose.	Senate Appropriations 7/7/21

Subject—CalChamber Position	Status
<p>Ban on Unsolicited Commercial Mail. SB 324 (Limón; D-Goleta) Restrains small businesses from using the United States Postal Service to send advertisements and other print material that help businesses remain visible in local communities and neighborhoods, threatening small businesses with a penalty up to \$1 million for each piece of mail sent in violation of this rule. Oppose.</p>	<p>Senate Business, Professions and Economic Development 2/17/21; Failed Deadline</p>
<p>Prohibition on Use of Unlawfully Obtained Data. AB 1391 (Chau; D-Monterey Park) Prohibits the use or scanning of data that was obtained or accessed through the commission of a crime, effectively prohibiting legitimate cybersecurity and theft identity purposes that require the ability to identify, scan, and use from even discovering such information to protect consumers online. Oppose Unless Amended.</p>	<p>Senate Floor 7/1/21</p>
<p>Regulations on Unmanned Aircraft Systems. AB 1292 (Chau; D-Monterey Park) Restricts the ability for unmanned aircraft systems to develop effective delivery services by limiting the amount of data that can be collected by these systems. Oppose.</p>	<p>Assembly Privacy and Consumer Protection 3/4/21; Failed Deadline</p>
<p>California Privacy Protection Agency Board Positions. AB 1490 (Chau; D-Monterey Park) Amends qualifications to serve on Board of California Privacy Protection Agency to require experience in consumer rights as a minimum qualification. Opposition removed due to May 6, 2021 amendments, which clarify that experience in consumer rights is not a required minimum qualification for consideration to sit on the Board. Neutral.</p>	<p>Assembly Inactive File 6/1/21; Failed Deadline</p>

Product Regulation

<p>Chemical Ban and Warning Labels. AB 1200 (Ting; D-San Francisco) Bans intentionally adding any class of PFAS in foodware products by January 1, 2023, and, prior to amendments, created a new warning label for all cookware products warning customers of the health and environmental risks associated with a product containing any chemical on the Department of Toxic Substances Control list of thousands of chemicals, with no thresholds or other scientific basis for establishing when a warning is appropriate. The author has agreed to additional amendments removing CalChamber opposition which should be in print when the Legislature returns the week of August 16. Oppose Unless Amended until amendments are in print.</p>	<p>Senate Floor 7/8/21</p>
<p>Chemical Ban. AB 652 (Friedman; D-Glendale) Prior to amendments that remove CalChamber opposition and should be in print when the Legislature returns the week of August 16, the bill circumvented the Safer Consumer Products program by proposing to ban per- and polyfluoroalkyl substances (PFAS) chemicals far beyond the stated intent of banning PFAS in juvenile products, including in electronics and medical devices, that would have substantial unintended consequences. Oppose Unless Amended until amendments are in print.</p>	<p>Senate Floor 7/13/21</p>

Recycling

<p>Packaging Ban. AB 1371 (Friedman; D-Glendale) Bans critical packaging materials from being able to be sold or distributed in California without regard for whether any adequate substitutes are available nor how such a policy would lead to more waste created by spoilage and breakage and additional greenhouse gas (GHG) emissions from much heavier packaging. Oppose.</p>	<p>Failed passage in Assembly 6/3/21; Failed Deadline</p>
<p>Single-Use Plastic Packaging/Products. SB 54 (Allen; D-Santa Monica) Reintroduction of SB 54 (2019) increases the cost to manufacture and ship consumer products sold in California and could increase food waste by providing CalRecycle with broad authority to develop and impose new mandates on manufacturers of all single-use plastic packaging and certain single-use plastic consumer products under a compliance timeline that fails to address California’s lack of recycling and composting infrastructure. Oppose Unless Amended.</p>	<p>Senate Inactive File 5/20/21; Failed Deadline</p>

Subject—CalChamber Position	Status
<p>Extended Battery Producer Responsibility. SB 289 (Newman; D-Fullerton) Attempts to address fires at Material Recovery Facilities that are potentially caused by improperly disposed of batteries by creating an extended producer responsibility program for the collection and management of batteries, but brings the risks of catastrophic fire closer to consumers by forcing retailers to take the batteries back in-store. Oppose.</p>	<p>Senate Appropriations Suspense File 5/17/21; Failed Deadline</p>
<p>Battery Recycling Education and Fire Prevention. SB 244 (Archuleta; D-Pico Rivera) Reduces fires caused by improper battery disposal by requiring CAL FIRE, the California Highway Patrol, Department of Toxic Substances Control, and CalRecycle to work with waste industry experts and local governments to develop protocols for managing discarded lithium-ion batteries and to develop a guidance document to inform, educate and increase public awareness about fire risk from improper disposal of lithium-ion batteries. It also requires waste industry enterprises to work with county fire marshals annually to develop a protocol for discarded lithium-ion batteries and thus prevent future fires. Support.</p>	<p>Assembly Appropriations 7/7/21</p>

Taxation

<p>Massive Corporate Tax Increase. AB 71 (L. Rivas; D-Arleta) Significantly increases the taxation on the gross income of international companies to create a homelessness fund, thereby shifting the responsibility of the crisis onto the private sector, despite the state’s \$15 billion in unexpected revenue. Oppose/Job Killer.</p>	<p>Assembly Inactive File 6/3/21</p>
<p>Wealth Tax. AB 310 (Lee; D-San Jose) Seeks to impose a massive tax increase upon all forms of personal property or wealth, whether tangible or intangible, despite California already having the highest income tax in the country. This tax increase will drive high-income earners out of the state as well as the revenue they contribute to the General Fund. Oppose/Job Killer.</p>	<p>Assembly Revenue and Taxation 4/6/21</p>
<p>Wealth Tax. ACA 8 (Lee; D-San Jose) Proposes to amend the Constitution to impose a massive tax increase upon all forms of personal property or wealth, whether tangible or intangible, despite California already having the highest income tax in the country. This tax increase will drive high-income earners out of the state as well as the revenue they contribute to the General Fund. Oppose/Job Killer.</p>	<p>From Printer in Assembly 3/23/21</p>
<p>Massive Personal Income Tax Increase. AB 1253 (Santiago; D-Los Angeles) Increases the state personal income tax rate, which is already the highest in the country, on high wage earners and sole proprietors. This tax increase will drive high-income earners out of the state as well as the revenue they contribute to the General Fund. Oppose/Job Killer.</p>	<p>Assembly Revenue and Taxation 3/26/21</p>
<p>Targeted Tax on Homeowners. AB 1199 (Gipson; D-Carson) Imposes an excise tax on certain homeowners which will increase rental rates and worsen housing unaffordability for vulnerable tenants. Oppose/Job Killer.</p>	<p>Assembly Revenue and Taxation 4/6/21</p>
<p>Small Business Grant Program. SB 74 (Borgeas; R-Fresno) Establishes a \$2.6 billion grant program that offers struggling small businesses a lifeline while they struggle through pandemic-induced shut-downs and regulations. Support.</p>	<p>Senate Business, Professions and Economic Development 3/11/21</p>
<p>Lowers Voter Threshold to Increase Property Taxes. ACA 1 (Aguiar-Curry; D-Winters) Overbroad constitutional amendment lowers voter approval threshold from two-thirds to 55% for affordable housing and public infrastructure, thereby providing increased tax authority for every government agency in California — not just cities and counties, but thousands of potentially overlapping special districts. Also enables discrimination against certain classes of taxpayers, undermines the protections of Proposition 13, and — despite its goal of increased funding for affordable housing — adds another potential layer of cost onto homeownership in California. Oppose.</p>	<p>Assembly Local Government and Assembly Appropriations 4/22/21</p>

Subject—CalChamber Position	Status
Tax Relief for Businesses that Received PPP Funds. AB 80 (Burke; D-Inglewood) Brings California into partial conformity with federal tax law by allowing up to \$150,000 of expenses paid for using Paycheck Protection Program loans to be deductible. Support If Amended.	Signed—Chapter 17 4/29/21
Cal/OSHA Compliance Tax Credit. AB 62 (Gray; D-Merced) Provides a dollar-for-dollar tax credit for any costs businesses incur attempting to comply with stringent Cal/OSHA COVID-19 regulations. Support.	Assembly Revenue and Taxation 3/22/21
Tax Relief for Pass-Through Entities. SB 104 (McGuire; D-Healdsburg) Allows pass-through entities to calculate their state and local taxes in a manner that reduces their federal tax burden. Support.	Senate Appropriations Suspense File 4/20/21; Failed Deadline
Tax Credit for State and Local Fees Paid by Closed Businesses. SB 49 (Umberg; D-Santa Ana) Allows a business to claim a tax credit for fees paid to a state agency or a local government in connection with a permit, license, or other mandatory operating cost imposed by the state or a local government during the time in which the taxpayer was required to cease business operations in response to an emergency order. Support.	Senate Inactive File 5/28/21
License Renewal Fee Relief. SB 94 (Skinner; D-Berkeley) Relieves bars, restaurants, and those working in barbering and cosmetology from having to pay license renewal fees for two years. Support.	Signed—Chapter 9 2/23/21
License Fee Relief. AB 83 (Assembly Budget Committee) Provides for two years of fee relief for restaurants, bars and those working in barbering and cosmetology. Support.	Signed—Chapter 11 3/17/21
Small Business License Relief. AB 259 (Davies; R-Laguna Niguel) Provides a tax credit beginning on or after January 1, 2020, but before January 1, 2021 equal to 50% of the annual fee paid or incurred for an alcohol license by a qualified establishment. Support.	Assembly Revenue and Taxation 3/22/21
Small Business Grant Program. SB 87 (Caballero; D-Salinas) Establishes a \$2.6 billion grant program that offers struggling small businesses a lifeline while they struggle through pandemic-induced shutdowns and regulations. Support.	Signed—Chapter 7 2/23/21
Tax Amnesty Program. AB 879 (B. Rubio; D-Baldwin Park) Requires the Franchise Tax Board and California Department of Tax and Fee Administration to administer a tax amnesty program from February 1, 2022, through March 31, 2022, for all tax years prior to January 1, 2021. The bill relieves pressure for tax hikes on corporate taxpayers by bringing in additional state revenue without increasing taxes, and provides an avenue for taxpayers to remit owed taxes without costly and onerous penalties. Support.	Assembly Appropriations Suspense File 5/19/21; Failed Deadline
Bar, Hotel and Restaurant Tax Credit. SB 408 (Min; D-Irvine) Assists certain bars, hotels and restaurants with their economic recovery by providing them with a \$10,000 tax credit if they ceased business for at least 30 days in 2020 or 2021. Support.	Held in Senate Appropriations 5/20/21
Work Opportunity Tax Credit. SB 553 (Limón; D-Goleta) Provides businesses with a tax credit when they hire individuals from targeted groups, including disabled veterans, individuals receiving public assistance, or those who have been incarcerated. Support.	Held in Senate Appropriations 5/20/21
Suspends Annual Franchise Tax for Struggling Small Businesses. AB 664 (Bigelow; R-O’Neals) Small businesses with \$250,000 or less in annual revenue would not be required to pay the annual minimum franchise tax. Support.	Assembly Revenue and Taxation 3/22/21
Transient Occupancy Tax for Short-Term Rentals. SB 555 (McGuire; D-Healdsburg) Streamlines a statewide system for collecting and dispensing Transient Occupancy Tax (TOT) revenue from short-term rental hosting platforms back to local communities. Support.	Assembly Appropriations 7/14/21

Subject—CalChamber Position	Status
Telecommunications	
<p>Duplicative Outage Reporting and Network Resiliency Requirements. SB 341 (McGuire; D-Healdsburg) Imposes significant costs and operational burdens on telecom providers by duplicating existing and ongoing network outage reporting regulations and requiring providers to duplicate emergency reporting to the California Public Utilities Commission, despite existing requirements to report to California Office of Emergency Services. Oppose.</p>	<p>Assembly Appropriations 7/5/21</p>
Tourism	
<p>Rebuilding California’s Tourism Sector. SB 285 (McGuire; D-Healdsburg) Provides for \$45 million in advertising funding to stimulate tourism in California — including both internal and inter-state tourists — to be utilized only once the state has met safety benchmarks. Support.</p>	<p>Senate Inactive File 5/28/21; Failed Deadline</p>
Transportation and Infrastructure	
<p>Unnecessarily Targets New Technology. SB 500 (Min; D-Irvine) Originally proposed to require that autonomous vehicles be all electric well in advance of other vehicles, despite great potential to increase safety, efficiency, and other environmental improvements, hindering technological development in the commercial and passenger space. Position changed after amendments removed medium/heavy duty trucking and better aligned implementation date to market conditions. Neutral.</p>	<p>Assembly Appropriations 7/7/21</p>
<p>Ensure Transportation Funding. SB 339 (Wiener; D-San Francisco) Extends the Road User Charge Advisory Committee and allows the Transportation Agency to conduct pilot studies to evaluate potential replacements for gas tax funding for roads and infrastructure. Support.</p>	<p>Assembly Appropriations Suspense File 7/14/21</p>
<p>Tax Exemption. AB 906 (Carrillo; D-Los Angeles) Exempts from sales tax, property tax, and licensing fees for zero emission medium- or heavy-duty trucks, alleviating burdens on business and reducing the cost of new technology. Support.</p>	<p>Assembly Revenue and Taxation 2/25/21; Failed Deadline</p>
Unemployment Insurance	
<p>Changes to Repayment of UI Fraud and Unintentional Overpayment. AB 548 (Carrillo; D-Los Angeles) Lessens penalties for unemployment insurance (UI) fraud by lessening obligations for repayment by those who profited from UI fraud. Also changes re-payment obligations for those who received overpayments of UI fraudulently (or nonfraudulently) by removing obligations to pay interest on amounts held by the claimant for multiple years, which would have — under present law — generated interest based on the time which the claimant held the overpayment. Taken together, these changes would have added insolvency to the UI fund, and consequently increased California employers’ obligations to repay California’s outstanding UI fund loans. Oppose.</p>	<p>Assembly Insurance 4/26/21; Failed Deadline</p>
<p>Data Sharing Between EDD and Department of Corrections to Prevent UI Fraud. AB 110 (Petrie-Norris; D-Laguna Beach) Requires the Department of Corrections and counties to share the names and Social Security information of current inmates with the Employment Development Department (EDD) to prevent payments on fraudulent claims using inmate information, and requires EDD to utilize this information in its screening process. This would bring California up to speed with other states, and also help prevent one of the most widespread types of fraud that was widely reported during the COVID-19 shutdown from occurring in the future. Support.</p>	<p>Senate Appropriations 7/12/21</p>

Subject—CalChamber Position	Status
<p>Preventing UI Fraud from California’s Prisons. SB 39 (Grove; R-Bakersfield) Allows the Department of Corrections and local counties to share inmate information with EDD in order to combat UI fraud, and allows EDD to share information about potential fraud with law enforcement to facilitate potential investigation. Support.</p>	<p>Assembly Appropriations Suspense File 7/7/21</p>
<p>Short- and Long-Term Oversight of EDD to Improve Outcomes. SB 232 (Nielsen; R-Tehama) Puts into statute the recommendations of the State Auditor to improve EDD’s performance in two key areas — benefits distribution and fraud prevention — where COVID-19 revealed considerable failures. Support.</p>	<p>Assembly Appropriations Suspense File 7/7/21</p>
<p>Requires EDD to Plan for Next Crisis. SB 390 (Laird; D-Santa Cruz) Requires EDD to develop a comprehensive plan to prepare for future economic recessions and the correlated increased demands on EDD’s system for distributing unemployment insurance benefits, including staffing, logistics, and identity verification tools. Support.</p>	<p>Assembly Appropriations Suspense File 7/7/21</p>
<p>Unemployment Insurance Integrity Enforcement Program. SB 420 (Umberg; D-Santa Ana) Creates the Unemployment Insurance Integrity Enforcement Program, including a task force consisting of the State Auditor and Attorney General representatives, to cost-effectively pursue UI fraud and recover money for the state UI fund. Support.</p>	<p>Assembly Appropriations 7/13/21</p>

Water Resources

<p>Central Valley Canal Fund. SB 559 (Hurtado; D-Sanger) Establishes a fund to repair subsiding canals that are responsible for delivering reliable and necessary water to agricultural operations and homes in the San Joaquin Valley and Southern California region. Support.</p>	<p>Assembly Appropriations 7/1/21</p>
<p>Surface Water Standard. AB 377 (R. Rivas; D-Hollister) Imposes unobtainable discharge limits to surface water. Prioritizes enforcement for any violation of water quality standards instead of using risk-based enforcement criteria. Cripples industrial, institutional and agricultural operations. Oppose.</p>	<p>Assembly Appropriations Suspense File 5/19/21; Failed Deadline</p>
<p>Delays Regulatory Compliance. AB 564 (Lorena Gonzalez; D-San Diego) Significantly delays state agencies’ ability to permit or approve necessary projects like vegetative management or streambed alterations on private and public lands and changes regulatory compliance standards. Oppose.</p>	<p>Assembly Accountability and Administrative Review 2/18/21; Failed Deadline</p>

Workers’ Compensation

<p>Workers’ Compensation: Expands Costly Presumption of Injury. SB 213 (Cortese; D-San Jose) Significantly increases workers’ compensation costs for public and private hospitals by presuming certain diseases and injuries are caused by the workplace and establishes an extremely concerning precedent for expanding presumptions into the private sector. Oppose/Job Killer.</p>	<p>Failed passage in Senate 6/3/21; Senate Inactive File 6/3/21</p>
<p>Workers’ Compensation: Medical Provider Networks. AB 1465 (Reyes; D-San Bernardino) Prior to amendments, would have mandated the creation of state-run Medical Provider Network for workers’ compensation claims, which would have imposed millions of dollars of costs on the current system as well as the state while reducing injured workers’ access to quality care. Job killer tag and opposition removed due to April 26, 2021 amendments narrowing the bill to only require a study of access to workers’ compensation care in medical provider networks. Neutral/Former Job Killer.</p>	<p>Senate Labor, Public Employment and Retirement 6/16/21; Failed Deadline.</p>
<p>Workers’ Compensation: Review of Claims. SB 335 (Cortese; D-San Jose) Fundamentally alters longstanding rules and timeframes related to investigation of eligibility of workers’ compensation claims such that it substantially reduces the time an employer has to investigate a claim and significantly increases the cost of care an employer would be required to provide during that investigation. Oppose.</p>	<p>Assembly Insurance 6/10/21; Failed Deadline</p>

Subject—CalChamber Position	Status
<p>Workers’ Compensation: Apportionment. SB 788 (Bradford; D-Gardena) Undermines the doctrine of apportionment in the workers’ compensation system by prohibiting apportionment where a permanent disability is caused in part by factors such as age or genetic characteristics. Opposition removed due to June 17, 2021 amendments. Neutral.</p>	<p>Senate Concurrence in Assembly Amendments Pending 7/1/21</p>
<h2 style="color: red;">Workplace Safety</h2>	
<p>Selective Exception from Thorough Financial Analysis for Cal/OSHA Regulations. SB 410 (Leyva; D-Chino) Specifically exempts Cal/OSHA regulations from the Standardized Regulatory Impact Analysis (SRIA) process, which provides thorough economic analysis and Department of Finance oversight for proposed regulations and is presently applicable to all regulations with a financial impact of more than \$50 million. Oppose.</p>	<p>Assembly Floor 7/8/21</p>
<p>New Private Right of Action, PAGA Litigation, and Regulations for Warehouses. AB 701 (Lorena Gonzalez; D-San Diego) Threatens warehouse employers with duplicative costly litigation by creating a duplicative and likely inconsistent regulation from Cal/OSHA regarding appropriate performance levels in warehouses. Also creates rebuttable presumption of retaliation that can be triggered multiple times which will interfere with legitimate discipline, as well as creating a new Private Attorneys General Act (PAGA) claim related to warehouse work speed. Job killer tag removed due to July 15, 2021 amendments narrowing the application of the bill on multiple fronts, including PAGA litigation and injunctive relief. Oppose/Former Job Killer.</p>	<p>Senate Appropriations 7/15/21</p>
<p>Expansion of Cal/OSHA Authority and Enforcement. SB 606 (Lena Gonzalez; D-Long Beach) Significantly expands Cal/OSHA authority by creating new “egregious employer” category in Labor Code, creates a new category of “enterprise-wide” citations that face higher citation amounts based on, at times, evidence at only one location. Job killer tag removed due to March 25, 2021 amendments limiting certain overbroad provisions, but CalChamber remains opposed due to structural changes to Cal/OSHA enforcement. Oppose/Former Job Killer.</p>	<p>Assembly Appropriations 7/6/21</p>
<p>Shaming List of Businesses with Prior COVID-19 Outbreaks. AB 654 (Reyes; D-San Bernardino) Requires the California Department of Public Health to post a list of all sites at which a COVID-19 outbreak occurs in the state, creating a scarlet letter for businesses, despite their inability to prevent employees from catching COVID-19 outside the workplace and triggering an outbreak. Oppose.</p>	<p>Assembly Floor 7/15/21</p>
<p>Fair Notice for Local Public Health Orders. SB 336 (Ochoa Bogh; R-Yucaipa) Requires publication of local public health orders and creation of an email list for stakeholders to ensure they are kept apprised of any changes. Sponsor/Co-Sponsor</p>	<p>Assembly Appropriations 7/8/21</p>
<p>Joint Liability Related to OSHA Citations for Drayage Drivers. Additional Joint and Several Liability for Port Drayage Carriers. SB 338 (Lena Gonzalez; D-Long Beach) Adds to existing published list of drayage motor carriers subject to joint and several liability due to unsatisfied judgments by adding certain other misconduct which would also place a drayage carrier on the list and therefore make them qualify for joint and several liability related to certain health- and safety-related offenses. Opposition removed due to June 14, 2021 amendments ensuring that any business placed on the list and subject to joint and several liability was able to efficiently appeal and ensuring that affected companies could be quickly removed once the issues were resolved. Neutral.</p>	<p>Assembly Appropriations 7/14/21</p>

CalChamber Backs Bipartisan Infrastructure Framework

From Page 1

The CalChamber reminded lawmakers that Californians agreed to increase revenues for transportation improvements several years ago and “now the federal government must step up.”

California has hundreds of bridges and thousands of miles of roads in poor condition and demands for rail and transit to support economic growth and desperately needed new housing.

Bipartisan Infrastructure Framework

The Bipartisan Infrastructure Framework addresses infrastructure critical to California’s economic growth. Specifics continue to be worked out as this article was being prepared for publication, but news reports outline the \$1 trillion bipartisan plan as including the following elements.

• **Transportation network.** Roughly \$110 billion for roads and bridges, \$39 billion for public transit, \$66 billion for passenger and freight rail, \$17 billion for ports and \$25 billion for airports to reduce congestion and address maintenance backlogs.

• **High speed internet access.** The bill includes \$65 billion for broadband in rural areas and programs to help low-income city residents who can’t afford high speed internet. The framework calls for investment for universal reliable, high-speed and affordable coverage for more Americans.

• **Power infrastructure.** The legislation includes \$73 billion for a clean energy revamping of the electric grid, as well as billions of dollars for climate resilience programs such as flood control and investment in new technologies such as carbon capture. The framework

calls for building thousands of miles of new, resilient transmission lines to facilitate the expansion of renewable energy, including laying the foundation for more reliable energy transmission through a new Grid Authority to support creative financing tools and leverage existing rights-of-way for new transmission.

• **Clean drinking water.** The bill includes \$55 billion for water and wastewater infrastructure, including funding to replace all the nation’s service lines using lead pipe. The bipartisan plan would provide substantial new investment in delivering clean drinking water to millions of American families and focus on hardening infrastructure to better protect it against cyberattacks, extreme weather and the effects of climate change. Availability of clean drinking water is of particular concern to certain parts of California.

Clearing Confusion About Current COVID-19 Workplace Safety Rules

From Page 2

- **Marin** (Effective 8/3/21);
- **San Francisco** (Effective 8/3/21);
- **San Mateo** (Effective 8/3/21);
- **Santa Clara** (Effective 8/3/21);
- **Sonoma** (Effective 8/3/21);
- **City of Berkeley** (Effective 8/3/21).

Additional counties may follow suit in the future, which highlights the importance of staying up-to-date with your local public health orders.

For employers who not only have employees in those locales listed above but also in other counties without indoor mask mandates, maintaining compliant health and safety rules can be difficult.

As stated above, employers may maintain universal health and safety rules that are stricter than the Cal/OSHA emergency temporary standards or local public health orders, which means employers may require masks for all employees regard-

less of vaccination status and regardless of location in which they perform work. Employers may also continue to follow the more lenient standard rules for fully vaccinated employees in those locations without stricter public health orders.

Keep Compliance a Priority

Although we may be exhausted following the whiplash of continuing and evolving government health and safety guidance and mandates, compliance in this area remains a high priority. Local health departments may issue fines for violating their public health orders; Cal/OSHA may issue citations and, in extreme cases, shut down businesses for violating workplace safety rules; and litigation concerns are heightened for employers who don’t provide a safe and healthy workplace for their employees.

As these rules continue to rapidly

evolve, issues from workplace testing, excluding employees from the worksite and mandatory vaccinations also continue to undergo change. Employers should continue to remain up-to-date on relevant government agency guidance as well as remaining in close contact with legal counsel when considering changing any health and safety protocols.

CalChamber members can read more about the [Cal/OSHA Emergency COVID-19 Regulation](#) in the HR Library.

Column based on questions asked by callers on the Labor Law Helpline, a service to California Chamber of Commerce preferred and executive members. For expert explanations of labor laws and Cal/OSHA regulations, not legal counsel for specific situations, call (800) 348-2262 or submit your question at www.hrcalifornia.com.



Capitol Insider

presented by **CalChamber**

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Free Resources to Raise Awareness on Importance of COVID-19 Vaccines

From Page 1

social media. Additional posters are available from the [U.S. Centers for Disease Control \(CDC\)](#).

- **Half-sheet flyers:** Half sheet flyers that can be used for outreach and educational activities. Flyers are available in the following languages: Arabic, Chinese, East Armenian, English, Farsi, Hmong, Japanese, Khmer, Korean, Punjabi, Russian, Spanish, Tagalog, Vietnamese, and West Armenian.

- **Infographics:** Instructional graphics can be made available for download, displayed on webpages, or used for other

educational outreach and are available in English and Spanish.

- **CDC Stickers:** Print stickers for community members who have been vaccinated to wear.

- **CDPH COVID-19 Response page:** Access additional materials and resources on the CDPH resource site. Use the available information for virtual town halls or other informational meetings within your communities.

All state employees and all workers at hospitals and health care facilities across California are now required to show proof of full COVID-19 vaccination or be

tested at least once a week under a state policy announced [July 26, 2021](#).

On July 27, the CDC recommended a [return to mask wearing indoors](#), regardless of vaccination status in areas with [high COVID-19 transmission rates](#).

Since then, the [state](#) and many California counties have returned to requiring that masks be worn indoors by everyone over the age of 2 years with some exceptions (such as persons with a medical/mental health condition or disability, communicating with the hearing impaired, and where wearing a mask would create a risk related to work).

CalChamber-Sponsored Seminars/Trade Shows

From Page 2

World Trade Center Los Angeles and Los Angeles County Economic Development Corporation. October 20–21, Los Angeles. (213) 236-4853.
Israel Defense Expo. Israel Defense & HLS Expo and Israeli Chamber of Commerce. November 9–11, Tel Aviv, Israel. +972-3-691-4564 x 300.

Smart City Expo World Congress 2021. U.S. Commercial Service. November 16–18, Barcelona, Spain. (704) 248-6976.

12th World Chambers Congress: Dubai 2021. International Chamber of Commerce World Chambers Federation and Dubai Chamber of Commerce & Industry. November 23–25, Dubai,

United Arab Emirates. worldchamber-congress@iccwbo.org.

Athens International Tourism & Culture Expo 2021. Greek Ministry of Tourism and Greece 2021 Committee. November 25–27, Athens, Greece. +30 210-614 1164.

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Kat Lotz
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