



CRA 2020 State & Local Hot Issues

Proposal + Author	Issue	Bill Summary	CRA Position	Status
STATE LEVEL (Contact: Matt Sutton at msutton@calrest.org or Katie Hansen at khansen@calrest.org)				
AB 82 (Asm. Budget Committee)	Alcohol: Responsible Beverage Service Training COVID-19	One-year delay for implementation of the July 2021 requirement for alcohol servers to have a valid alcohol server certification.	Neutral	Governor's Desk
AB 103 (Assembly Budget Committee)	Unemployment insurance: rating freeze COVID-19.	Unemployment insurance benefits paid shall not be charged against the reserve account for an employer for the duration of the COVID-19 federal unemployment program.	Support	Enacted.
AB 196 (Gonzalez-D)	Workers compensation: presumption COVID-19	Creates a permanent and indisputable legal presumption that all COVID-19 infections suffered by "essential workers" are work related for purposes of workers' compensation benefit eligibility.	Oppose	Senate Labor and Employment Committee
AB 398 (Chu-D)	Headcount tax COVID-19	Imposes a \$275 per employee tax for 5-years for employers with more than 500 employees.	Oppose	Senate Governance and Finance Committee
AB 685 (Reyes – D)	Occupational safety: COVID-19 exposure: notification	<p>Would require a public or private employer to provide specified notifications to its employees, the Division of Occupational Safety and Health, and the State Department of Public Health, relating to the exposure of its employees to COVID-19 that the employer knew of or should reasonably have known of, as specified.</p> <p>The bill would define "exposure to COVID-19." The bill would make it a misdemeanor if an employer violates the notification requirements of these provisions. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program. The bill would require the Division of Occupational Safety and Health and the State Department of Public Health to make the information publicly available on their internet websites, as specified.</p> <p>Requires employers within 24 hours to notify their employees, the Division of Occupational Safety and Health (OSHA), and the CA Department of Public Health (CDPH), of any employee exposure to COVID-19. Requires OSHA and CDPH to make reported information available on their websites to enable the public to track outbreaks, the number of COVID-19 cases reported by any workplace, and the occupation of employees involved. An employer's failure to adhere to the proposed notification requirements would be a misdemeanor carrying a \$10,000 fine.</p>	Oppose	Senate Judiciary Committee
AB 1035 (Ramos – D)	Small business: good faith civil liability protection COVID-19	Exempts a business with 25 or fewer employees from liability for an injury or illness to a person due to COVID-19 based on a claim that the person contracted COVID-19 while at that business, or due to the actions of that business.	Support	Senate Judiciary Committee
AB 1080 (Gonzalez - D)	Single use foodware: restrictions and bans	Requires a 75% reduction by 2030 in the waste generated from single-use packaging thru product bans, recycling or composting. Likely to eliminate many food packaging products by setting unworkable mandates and giving CalRecycle unchecked authority.	Oppose	Senate Floor
AB 1270 (Stone -D)	Private right of action: taxpayer disputes	Expands the False Claims Act (FCA) to allow the Attorney General, local prosecutors, and plaintiffs' attorneys to sue taxpayers.	Oppose	Dead.
AB 1281 (Chau – D)	CCPA: employee data	The California Consumer Privacy Act of 2018, until January 1, 2021, exempts from its provisions certain information collected by a business about a natural person in the course of the natural person acting as a job applicant, employee, owner,		



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		director, officer, medical staff member, or contractor, as specified. The act also, until January 1, 2021, exempts from specified provisions personal information reflecting a written or verbal communication or a transaction between the business and the consumer, if the consumer is a natural person who is acting as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency and whose communications or transaction with the business occur solely within the context of the business conducting due diligence regarding, or providing or receiving a product or service to or from that company, partnership, sole proprietorship, nonprofit, or government agency. This bill would extend both exemptions until January 1, 2022.		
AB 1552 (Ramos – D)	Commercial insurance: business interruption: coverage for COVID-19	Would, with respect to a policy of commercial insurance that provides coverage for business interruption, create specified rebuttable presumptions affecting the burden of proof in a case in which the insured alleges that the business interruption was due to the COVID-19 pandemic and occurred during the period of the state of emergency declared by the Governor due to the COVID-19 pandemic. Specifically, the bill would create certain rebuttable presumptions that COVID-19 was present on specified property and caused physical damage to that property which was the direct cause of the business interruption.	Support	Senate Rules Committee
AB 1947 (Kalra -D)	Labor enforcement: statute of limitations	Lengthens the period an employee can sue their employer for claims related to being discharged or discriminated against from 6-months to 1-year. Allows for one-sided attorney’s fees which incentivize civil litigation.	Oppose	Senate Judiciary Committee
AB 2123 (Chau -D)	ADA: internet website accessibility	Establishes a rebuttal presumption that a website is accessible if it complies with the specific website standards of the World Wide Web Consortium Accessibility Guidelines.	Oppose, Unless Amended	Dead.
AB 2149 (Gonzalez -D)	Delivery platforms: Fair Food Delivery Act	Requires a third-party deliver platform to have restaurant approval prior to posting a menu of, or otherwise using the likeness, registered trademark, or any intellectual property.	Support	Senate Rules Committee
AB 2355 (Bonta -D)	Employment: medical cannabis	Gives medical marijuana card holders protected status under the CA Fair Employment and Housing Act, thereby prohibiting employers from declining to hire those job applicants based on a positive drug test. Conflict occurs as there is no current test to determine <u>impairment</u> , which undermines safe workplaces.	Oppose	Dead.
AB 2466 (Bloom-D)	Sugar sweetened beverage tax	Imposes a per fluid ounce assessment on beverages with added sweeteners.	Oppose	Dead.
AB 2570 (Stone-D)	Private right of action: taxpayer disputes	Expands the False Claims Act (FCA) to allow the Attorney General, local prosecutors, and plaintiffs’ attorneys to sue taxpayers.	Oppose	Senate Judiciary Committee
AB 2843 (Chu-D)	Head tax	Imposes an assessment of up to \$150/employee, via local business licenses, to fund affordable housing.	Oppose	Dead.
AB 2887 (Bonta- D)	Emergency paid sick leave COVID-19	Requires additional, immediate emergency paid sick leave during a state-declared public health emergency. Full time salaried employees= 14-days of paid leave; part-time/hourly employees= hours scheduled to work or regularly worked in a 14-day period.	Oppose	Dead.
AB 2959 (Calderon-D)	Organic Waste	Requires restaurants to use a franchised waste hauler to pick up their organic waste. This bill would disrupt previous agreements restaurants have with farmers, composting facilities and biofuel programs to recycle their organic waste.	Oppose	Senate Environmental Quality Committee
AB 3216 (Kalra-D)	Expanded employee leave & hiring restrictions	Imposes 12-week emergency family and medical leave, requires 56 hours of additional paid sick leave, and forces restaurants in hotels, event centers, &	Oppose	Senate Labor and



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	COVID-19	airports to rehire laid off workers according to seniority and a 10-business day response period.		Employment Committee
AB 3329 (Daly-D)	Unemployment insurance COVID-19	Adds \$100 to weekly unemployment insurance payments when the federal benefit of \$600 per week ends.	Oppose	Dead.
AB 3336 (Carrillo-D)	Third-party delivery	Requires vehicles to meet basic internal conditions and restaurants to close food orders in a tamper-evident manner.	Neutral	Senate Health Committee
SB 54 (Allen – D)	Single use food-ware: restrictions and bans	Partner bill to AB 1080. Requires a 75% reduction by 2030 in the waste generated from single-use packaging thru product bans, recycling or composting. Likely to eliminate many food packaging products by setting unworkable mandates and giving CalRecycle unchecked authority	Oppose	Assembly Floor
SB 58 (Wiener - D)	Extended alcohol service: trial project	Allows ABC to conduct a 5-year pilot program allowing alcohol sales for an extra hour between 2 a.m. and 3 a.m. to an on-sale licensee located in Cathedral City, Coachella, Fresno, Long Beach, Los Angeles, Oakland, Palm Springs, Sacramento, San Francisco, and West Hollywood upon completion of a local plan by that city.	Support	Assembly Floor
SB 729 (Portantino – D)	Supplemental paid sick leave COVID-19	Codifies the Governor’s Executive Order on supplemental paid sick leave and hand washing for employers with 500 or more employees.	TBD	Assembly Labor and Employment Committee
SB 347 (Monning - D)	Sugar sweetened beverages: restaurant warnings	Requires a restaurant with a beverage dispensing machine or that sells a sugar sweetened beverage in an unsealed container to place the following warning in certain locations in the restaurants: <i>“STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) contributes to obesity, type 2 diabetes and tooth decay.”</i>	Oppose	Stopped-Assembly Health Committee
SB 850 (Leyva- D)	Restrictive scheduling	Requires a 21-day schedule to be provided to the employee 7-days prior to commencement of that schedule, requires penalty pay for variance from that schedule, and piles on additional penalties.	Oppose	Dead
SB 900 (Hill-D)	Franchise models/AB 5 clean-up	Exempts a franchisee from the “ABC” test. Defines a franchisee as having at least 3 employees, owns or leases the physical premises on which the franchise is operated, the franchise business is open to the public, the franchisee primarily acquires or builds the franchisee’s customer base, customers make payments directly to the franchisee and the franchisor grants the franchisee a license to use a federally registered trademark in connection with the operation of the franchised business.	Support	Dead
SB 939 (Weiner-D)	Commercial eviction protection COVID-19	Intended to force good-faith negotiations between restaurants and landlords over terms of rent during the COVID-19 emergency.	Rec. Support	Dead
SB 973 (Jackson-D)	Employers: annual pay data report	Employers with 100 + employees must annually submit a pay data report to the Dept. of Fair Employment and Housing by March 31, 2021. Report must contain pay data for the number of employees by gender, race, and ethnicity in each of the following job categories: executive or senior level officials/managers, professionals, technicians, sales workers, craft workers, laborers and helpers, and service workers. Authorizes Dept. of Fair Employment and Housing to enforce discriminatory wage rate laws.	Oppose	Assembly Rules Committee
SB 1114 (Allen-D)	Alcoholic beverage licenses	Provides the rights and privileges of an off-sale general license to an on-sale general license.	Support	Dead
SB 1383 (Jackson-D)	Family leave: expansion	Applies the California Family Rights Act to employers with between 50 and 5 employees. For restaurants with 50 or more employees, it would create a 24 week leave of absence for employees because the state leave would no longer run concurrently with federal leave. Enforcement is through a private right of action, adding the threat of litigation for a mistake in administering the leave.	Oppose	Assembly Rules Committee



STATE REGULATIONS UNDER CONSIDERATION (Contact: Matt Sutton at msutton@calrest.org or Katie Hansen at khansen@calrest.org)				
Alcohol Beverage Control (ABC)				
Air Resources Board	Advanced clean trucks	Imposes a mandatory reporting requirement on restaurants with gross annual revenues greater than \$50 million and any fleet owner with more than 100 vehicles. The purpose of this reporting requirement is to collect information to assess suitability of electric vehicles for different industries.	OPPOSED /ENGAGED	Submitted comments on proposed regulation.
Cal Recycle	SB 1383 organic waste reduction	SB 1383 established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the reduction targets and establishes an additional target that no less than 20% of currently disposed edible food is recovered for human consumption by 2025.	OPPOSED /ENGAGED	Final regulation under consideration at the Office of Administrative Law 01/2020.
Cal Recycle	SB 1335 Sustainable packaging	The intent of SB 1335 was to set up a robust framework around food packaging materials by tasking Cal Recycle with creating a list of approved food packaging products based on a material neutral approach for food service facilities operating on state property to use.	ENGAGED	Cal Recycle initiated formal rulemaking on 01/21/20.
Cal/OSHA	Wildfire smoke: employee exposure	Cal OSHA is seeking input on the development of a permanent regulation for the protection of employees from exposure to unhealthy levels of wildfire smoke.	ENGAGED	Submitted comments on the draft regulatory text.
Cal/OSHA	Indoor heat illness prevention	Initial stages are underway for a regulatory process to adopt regulations governing the indoor temperatures of workplaces, including restaurant kitchens.	OPPOSED/ ENGAGED	Submitted comment letter. Informal rulemaking process is complete. DIR analysis concluded the regulation will have over \$50M impact, requiring a Standardized Regulatory Impact Report prior to formal rulemaking.
Cal Savers				
Dept. of Fair Employment and Housing	Religious creed and age discrimination	The objective of the proposed regulations is to clarify what constitutes discrimination based on religious creed or age.	ENGAGED	Submitted comments on proposed regulation



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Div. of Labor Standards Enforcement	Janitorial employer registration	Proposed regulations implementing the janitorial registration program regarding application, issuance of registration certification and renewals for administration by the Labor Commissioner.	ENGAGED	Submitted comments on proposed regulation
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