



## FINAL 2019 LEGISLATIVE UPDATE

### **SIGNED BILLS**

#### **AB 5 (Gonzalez): Worker status: employees and independent contractors – Support if Amended**

Codifies the decision of the California Supreme Court in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) that presumes a worker is an employee unless a hiring entity satisfies a three-factor test, and exempts from the test certain insurance occupations, physicians, securities broker-dealers, and direct salespersons. Amendments taken in Senate Appropriations included exemptions to business-to-business contracting relationships. The Governor's signature letter states that he will convene leaders from labor, and business to support innovation and a more inclusive economy. The business community was in "Support if Amended," however amendments were not taken by the author to remedy the majority of concerns with the bill, thus the coalition never moved to a full support position prior to the Governor signing the bill.

*Status: This bill was signed into law by Governor Newsom on September 18.*

#### **AB 143 (Quirk– Silva): Shelter crisis: homeless shelters: Counties of Alameda and Orange: City of San Jose– Support**

This urgency bill authorizes Alameda County, any city within Alameda County, Orange County, any city within Orange County, and the City of San Jose, to include homeless shelters as emergency housing upon declaration of a shelter crisis, until January 1, 2023. As an urgency, it would become effective upon signing by the Governor.

*Status: This bill was signed into law by Governor Newsom on September 26.*

#### **AB 170 (Gonzalez): Worker status: employees and independent contractors. (amended 9/10/19)**

*This bill was gutted and amended to be a companion to AB 5 in order to create an exemption for newspaper distributors to that bill until January 1, 2012. CalTravel was opposed to the initial version of this bill, which specified that an employer is responsible for the acts of a contracted supervisor with respect to harassment of an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract in the workplace.*

*Status: This bill was signed into law by Governor Newsom on October 2.*

#### **AB 728 (Santiago): Homeless multidisciplinary personnel teams – Support**

This bill, until 2025, creates a pilot program in seven counties (Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara, and Ventura) that expands the

scope of a homeless adult and family multidisciplinary personnel team (MDT) to include individuals who are at risk of homelessness and includes case managers and case coordinators among the entities who may be included on an MDT. The bill also requires the team member who first establishes contact with an individual at risk of homelessness to notify the individual that the individual's confidential information may be shared for the purpose of coordinating housing and supportive services to ensure continuity of care and requires the team member to attempt to obtain the individual's consent for that information sharing.

*Status: This bill was signed into law by Governor Newsom on September 26.*

**AB 960 (Maienschein): CALworks: homeless assistance– Support**

This bill expands California Work Opportunity and Responsibility to Kids (CalWORKs) homeless assistance benefits by broadening eligibility, increasing the frequency of eligibility for temporary and permanent homeless assistance, and including additional housing types eligible for permanent homeless assistance.

*Status: This bill was signed into law by Governor Newsom on October 2.*

**AB 998 (Aguilar–Curry): State Scenic Highways: State Route 128 – Support**

This bill designates State Route (SR) 128 as a route in the state scenic highway system. SR 128 is roughly 140 miles long from the coast just south of Mendocino through multiple wine areas including Napa and Sonoma Counties to Winters in Yolo County.

Visit Mendocino County, Visit Napa Valley, Sonoma County Tourism all support AB 998.

*Status: This bill was signed into law by Governor Newsom on July 12.*

**AB 1162 (Kalra): Lodging establishments: personal care products: small plastic bottles- Support**

Prohibits lodging establishments from providing small plastic bottles of personal care products to people staying in a sleeping accommodation or within a bathroom shared by the public or guests. The prohibitions of the bill commence January 1, 2023, for lodging establishments with more than 50 rooms, and January 1, 2024, for lodging establishments with 50 rooms or less.

*Status: This bill was signed into law by Governor Newsom on October 8.*

**AB 1235 (Chu): Youth homelessness prevention centers – Support**

This bill renames the community care facility licensing category “runaway and homeless youth shelter” to “Youth Homelessness Prevention Centers” and authorizes “youth at risk of homelessness” and “youth exhibiting status offender behavior” to receive shelter and services from such centers. This bill also extends the maximum allowable stay at these centers from 21 to 90 consecutive days.

*Status: This bill was signed into law by Governor Newsom on September 26.*

**AB 1308 (Cunningham): Students in hotel management or culinary arts programs: tastings – Support**

This bill allows a student between the ages of 18 and 21 who seeks a degree in hotel management and culinary arts to taste alcoholic beverages under specified circumstances.

*Status: This bill was signed into law by Governor Newsom on October 2.*

**AB 1790 (Wicks): Marketplaces: marketplace sellers - Watch**

This bill requires the terms and conditions of marketplaces, physical or electronic places where sellers offer services or goods for delivery in California, to meet specified requirements. AB 1790 requires that the terms and conditions of such marketplaces must meet certain requirements, such as being written in plain language and providing a description of the terms of specified practices. Marketplaces are also required, pursuant to the bill, to provide written explanations for terminating sellers and to provide an opportunity for sellers to collect property before destroying it. Marketplaces must also require sellers to obtain liability insurance to cover customer claims.

*Status: This bill was signed into law by Governor Newsom on October 8.*

**SB 40 (Wiener): Conservatorship: serious mental illness and substance use disorders—Support**

The bill would temporarily authorize a conservator of a mentally ill person to be appointed for 28 days if the person is presently incapable of caring for the person's own health and well-being due to a serious mental illness and substance use disorder and the person has been detained 8 times for evaluation and treatment in a 12-month period. The bill would require that a petition seeking to establish the above-described conservatorship be filed with the court no later than 28 days following the 8th detention in a 12-month period, and would provide that the petition may be filed only in conjunction with a petition to establish a temporary conservatorship. The bill would require a supplement to the petition, which includes a detailed description of the comprehensive clinical evaluation of the person conducted during the temporary conservatorship, to be filed within 14 days after the initial petition. This bill would also clarify the filing procedure for establishing conservatorship and would be approved by a judge or jury trial in determination by clear and convincing evidence based on comprehensive clinical evaluations conducted under temporary conservatorship.

*This bill was signed into law by Governor Newsom on October 2.*

**SB 142 (Wiener): Lactation accommodation – Oppose**

This bill would require the California Building Standards Commission to develop and make available publicly a best practices guidance document for the installation of lactation space for employees in new buildings.

*This bill was signed into law by Governor Newsom on October 10.*

**SB 206 (Skinner): Collegiate athletics: student athlete compensation and representation - Watch**

This bill would allow college student athletes to earn compensation for the use of their own name, image, or likeness and also obtain professional representation such as a sports agent, in relation to their college athletics. This bill also prohibits any entity with authority over intercollegiate athletics from preventing a student athlete from obtaining professional representation in relation to their college athletics, provided that the professional representation is in compliance with federal law and is performed by persons licensed by the state, and prohibits the revocation of a student-athlete's scholarship as a consequence of receiving endorsements, or as a consequence of obtaining professional representation. Also prohibits a student athlete from entering into a contract providing compensation to the athlete for use of the athlete's name, image, or likeness if a provision of the contract is in conflict with a provision of the athlete's

team contract. Lastly, it prohibits a team contract from preventing a student athlete from using the athlete's name, image, or likeness for a commercial purpose when the athlete is not engaged in official team activities, as specified.

*Status: This bill was signed into law by Governor Newsom on September 30.*

**SB 313 (Hueso): Animals: Prohibition on use in circuses- Watch**

This bill would prohibit a person from sponsoring, conducting, operating, or participating in a circus, as defined, in this state that uses any animal other than a domestic dog, domestic cat, or horse. The bill would authorize the Department of Fish and Wildlife to assess a civil penalty against a person who violates this prohibition of no more than \$25,000 for each day the person is in violation of the prohibition.

*Status: This bill was signed into law by Governor Newsom on October 12.*

**SB 317 (Caballero): Hazardous waste: waste facilities: prohibited chemicals – Support**

This bill, commencing January 1, 2022, bans the sale and distribution of recreational vehicle (RV) chemical toilet deodorizers containing any of 14 designated biocidal chemicals, which may, when mixed with solid waste and disposed of into septic systems found at RV parks or campgrounds, cause septic tank failure. This bill requires, upon appropriation, the State Water Resources Control Board to investigate methods to detect and quantify the specified chemicals in septic systems. This bill also requires the owner or operator of an RV park or campground to post a notice informing users of the ban and to certify their compliance.

*Status: This bill was signed into law by Governor Newsom on September 27.*

**SB 543 (Pan): Pedicabs – Support**

Existing law generally regulates the operation of pedicabs, including 4-wheeled devices that are primarily or exclusively pedal-powered and seat 8 or more passengers, as specified. Existing law, until January 1, 2020, imposes certain requirements on pedicabs that allow passengers to consume alcohol while on board the pedicab, including that the alcohol consumption must be authorized by local ordinance or resolution and that an onboard safety monitor must be present whenever passengers are consuming alcohol during the operation of the pedicab. A violation of these provisions is an infraction. This bill would delete the repeal date for the requirements described above, thereby extending those requirements indefinitely.

*Status: This bill was signed into law by Governor Newsom on September 9.*

**VETOED BILLS**

**AB 171 (Gonzalez): Employment: sexual harassment– Oppose**

This bill prohibits an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee's status as a victim of sexual harassment and establishes a rebuttable presumption of unlawful retaliation.

*Status: This bill was vetoed by the Governor on October 12.* His message stated that the bill would weaken existing protections by creating a different standard for some forms of sex-based discrimination and incorporating sexual harassment into the Labor Code duplicates, and in some respects weakens existing law under the Fair Employment and Housing Act.

**SB 518 (Wieckowski): Civil actions: settlement offers – Oppose**

This bill eliminates the use of an offer of compromise, as defined by Code of Civil Procedure section 998, in California Public Records Act (PRA) litigation. This bill is intended to prevent disclosable documents under CCP section 998.

*Status: This bill was vetoed by the Governor on October 12.* His message stated that preventing public agencies from making good-faith efforts to settle litigation by providing additional records that may have been inadvertently overlooked or mistakenly withheld actually delays timely disclosure. He stated the bill would have the perverse incentive for litigation instead of more transparency.

**DEAD/2-YEAR BILLS**

**AB 138 (Bloom): California Community Health Fund – Oppose**

This bill imposes a tax on every distributor, as defined, for distributing bottled sugary drinks and concentrate in this state, at a rate of \$0.02 per fluid ounce.

*Status: 2-year bill.*

**AB 161 (Ting): Solid waste: paper waste: proofs of purchase – Oppose**

This bill, on and after January 1, 2022, would require a proof of purchase to be provided to a consumer by a business only at the consumer's option and would prohibit a business from printing a paper proof of purchase if the opts to not receive a proof of purchase, unless otherwise required by state or federal law. The bill, on and after January 1, 2024, if a consumer opts to receive a proof of purchase, would require the proof of purchase to be provided in electronic form or paper form, at the consumer's option.

*Status: This bill was held on the Senate Appropriations Suspense file on August 30.*

**AB 555 (Gonzalez): Paid sick leave – Oppose**

This bill increases paid sick days from three to five.

CalChamber is opposed to the bill. CalTravel previously opposed AB 1522 (which was signed into law in 2014) that established paid sick days.

*Status: 2-year bill.*

**AB 628 (Bonta): Employment: victims of sexual harassment: protections – Oppose**

This bill allows victims of sexual harassment to take time off from work in the same manner that existing law allows for victims of domestic violence, sexual assault and stalking, and extends the rights of job-protected leave to family members, as defined, of victims. This bill also extends these workplace protections to public sector employees.

*Status: 2-year bill.*

**AB 846 (Burke): Customer loyalty programs – Support**

This bill amends the prohibition against consumer discrimination in the California Consumer Privacy Act of 2018 to allow for differential treatment of consumers based on voluntary participation in financial incentive programs, including gift cards or certificates, discounts, payments to consumers or other benefits associated with a loyalty or rewards program.

*Status: 2-year bill.*

**AB 764 (Bonta): Sugar-sweetened beverages: nonsale distribution incentives – Oppose**

This bill would regulate promotion and marketing activities related to sugar-sweetened beverages by prohibiting a beverage company, as defined, from giving or offering incentives or other financial support to compensate distributors or retailers for the cost of promotional offers, coupons, or other incentives offered to consumers for branded products of the beverage company.

The bill would exempt from that prohibition contracts between a beverage company, manufacturer, or distributor and a theme or amusement park, zoo, other attraction, or professional sports stadium that include nonfood promotions.

*Status: Failed to meet the House of Origin deadline, this bill is dead for the year.*

**AB 765 (Wicks): Health Checkout Aisles for Healthy Families Act– Oppose**

Requires a store, commencing July 1, 2021, at any time the store is open to the public, to make available only the following beverages in the checkout area: Coffee or tea drinks with no added caloric sweeteners, milk with no added caloric sweeteners, one hundred percent natural fruit juice or fruit juice combined with water or carbonated water, with no added caloric sweeteners, in a size no greater than 12 fluid ounces, one hundred percent natural vegetable juice with no added caloric sweeteners, with no more than 200 milligrams of sodium per container, and in a size no greater than 12 fluid ounces; and, water with no added caloric sweeteners.

*Status: 2-year bill.*

**AB 766 (Chiu): Unsealed beverage container portion cap– Oppose**

Prohibits a retailer from selling, offering for sale, or providing to a consumer an unsealed beverage container that is able to contain more than 16 fluid ounces, except for an unsealed beverage container designated for the consumption of water.

*Status: 2-year bill.*

**AB 1080 (Gonzalez)/SB 54 (Allen): California Circular Economy and Plastic Pollution Reduction Act – for discussion**

These identical bills require CalRecycle to adopt regulations that would (1) require producers of single-use packaging and priority single-use plastic products to source reduce to the maximum extent possible and require, by 2030, that all single-use packaging and priority single-use plastic products be recyclable or compostable; (2) require producers to collectively achieve and maintain, by 2030, a statewide 75% reduction of waste generated by each of single-use packaging and priority single-use plastic products. This bill, starting 2024, subjects single-use plastic packaging, single-use poly lined paper packaging, and single-use poly lined paperboard packaging and priority single-use plastic products to specified progressing recycling rates.

*Status: 2-year bill.*

**AB 1275 (Santiago): Mental health services: county pilot program – Support**

This bill requires the Department of Health Care Services (DHCS) to establish a three-year pilot project to include the County of Los Angeles and up to nine additional counties in which each participating county would be required to establish an outreach team comprised of county employees to provide outreach services to

individuals with a history of mental illness or substance use disorders who are unable to provide for urgently needed medical care and who are homeless or at risk of experiencing homelessness. This bill also requires the outreach team to facilitate early intervention and treatment for these individuals in the least restrictive environment and to provide intensive outreach, case management, and linkage to services, including housing and treatment services.

*Status: 2-year bill.*

**AB 1281 (Chau): Privacy: facial recognition technology: disclosure - Watch**

This bill, on or before July 1, 2020, requires a business in California that uses facial recognition technology (defined as a software application that analyzes facial features from a digital image or video for the purpose of automatically identifying a specific individual) to disclose the usage of facial recognition technology in a clear and conspicuous, physical sign at the entrance of every location that uses the technology, or they will be subjected to a fine.

*Status: 2-year bill.*

**AB 1387 (Wood): Sport fishing licenses: 12 consecutive month licenses – Support**

This bill requires the DFW, beginning on January 1, 2021, to issue sport fishing licenses that expire 12 consecutive months after the date specified on the license at 130 percent of the cost of a calendar-year license. This bill requires the DFW to offer an autorenewal option for 12-month license purchasers at the same cost as a calendar-year license. The DFW is required to report to the Legislature on or before December 1, 2024, on the implementation of the 12-month licensing provisions. The provisions of this bill are repealed as of January 1, 2026.

*Status: 2-year bill.*

**AB 1534 (Wicks): Regional Homeless Management Planning Act – Support**

This bill requires each county, on or before January 1, 2022, and every two years thereafter, to complete and submit to the Department of Housing and Community Development (HCD) a Regional Homeless Action Plan. This bill also requires HCD, by December 31, 2020, to develop standards and definitions for a county to use in developing a Regional Homeless Action Plan and specifies the standards and definitions required to be in the plan.

*Status: 2-year bill.*

**AB 1664 (Chiu): California tourism: assessments: restaurants and retail industry – Oppose**

This bill, on and after January 1, 2020, would exempt from GoBiz assessments businesses in the restaurant and retail industry category and derive less than 20% of their gross revenues annually from travel and tourism occurring within the state, unless the business elects to participate.

*Status: 2-year bill.*

**SB 23 (Wiener): Unlawful entry of a vehicle– Support**

The purpose of this bill is to create a new crime for forcibly entering a vehicle with the intent to commit a theft therein.

*Status: 2-year bill.*

**SB 58 (Wiener): Alcoholic beverages: hours of sale– Support**

This bill would require the Department of Alcoholic Beverage Control (ABC) to create a pilot program, beginning January 1, 2022 until January 2, 2027, to issue an 'additional hours license' to an on-sale licensee in a qualified city, that would allow the selling, giving, or purchasing of alcoholic beverages between the hours of 2 a.m. and 3 a.m., upon completion of specified requirements. The pilot program would apply to Cathedral City, Coachella, Fresno, Long Beach, Los Angeles, Oakland, Palm Springs, Sacramento, San Francisco, and West Hollywood.

*Status: 2-year bill.*

**SB 135 (Jackson): Paid Family Leave – Oppose**

This bill expands the scope of the California Family Rights Act (CFRA) to prohibit employers with 5 or more employees to refuse to grant an employee request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee had 180 days of service with the employer. It would also redefine "family care and medical leave" to include leave for the birth or placement of a child if the employee has identified the child as their designated person, leave to care for a family member who has a serious health condition or is covering for of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

*Status: Failed passage on the Senate Floor.*

**SB 171 (Jackson): Employers: annual report: pay data – Oppose**

This bill would require large employers to annually report pay and job title information broken down by gender, race, and ethnicity to the Department of Fair Employment and Housing (DFEH).

*Status: 2-year bill.*

**SB 347 (Monning): Sugar-sweetened beverages: safety warnings- Watch**

This bill, commencing on July 1, 2021, prohibits a person from distributing, selling, or offering for sale a sugar sweetened beverage, beverage concentrate, or multipack in a sealed container unless it bears a safety warning which notifies the consumer about the dangers of drinking beverages with added sugar, such as tooth decay, diabetes, and obesity.

*Status: 2-year bill.*

**SB 640 (Moorlach): Mental health services: gravely disabled – Support**

This bill would change the definition of "gravely disabled" for these purposes to read, in part, a condition in which a person, as a result of a mental health disorder, is incapable of making informed decisions about, or providing for, the person's own basic personal needs for food, clothing, or shelter without significant supervision and assistance from another person and, as a result of being incapable of making these informed decisions, the person is at risk of substantial bodily harm, dangerous worsening of a concomitant serious physical illness, significant psychiatric deterioration, or mismanagement of the person's essential needs that could result in bodily harm. The bill would authorize this condition to be demonstrated by the person's treatment history and recent acts or omissions. By increasing the level of service required of county mental health departments, this bill would impose a state-mandated local program.



*Status: 2-year bill.*

**SB 736 (Umberg): Creative Economy Incentive Act – Support**

This bill establishes the Creative Economy Incentive Act, administered through GO-Biz, by which a local government, or nonprofit with the support of a local government, can apply for an award of financial support in excess of the estimated increase in tax revenues related to hosting a creative economy event. Funding is provided to the successful applicant on a reimbursement basis, dependent on a post-event evaluation of actual local sales tax receipts in the designated market area.

*Status: 2-year bill or potential Budget item.*