



BULLETIN

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Last Saturday was the final day for Governor Newsom to act on more than 900 pieces of legislation sent to him by state lawmakers this year. Now that the smoke has cleared over Sacramento, CWCI has identified the following 19 bills of interest to the workers' compensation community that were enacted:

Contractor Certification of Class Codes on Renewals. [AB 336](#) (Cervantes) adds B&P Code §7125.6 to require contractors to certify workers' comp class codes endorsed on their policy when renewing their license, starting in July 2024. Also requires the Contractors State License Board to post a licensee's codes and insurer on its website.

Indemnity Payments Via Prepaid Cards. [AB 489](#) (Calderon) amends LC §4651 to extend for 1 year (until 1/1/25) a law that allows claims administrators to provide disability indemnity payments via a prepaid card and push back the deadline for CHSWC to report to the Legislature on the number of employees enrolled in the debit card program, the cash values of benefits sent via prepaid card, and the number of employees who opted out of the program.

Alternative Enforcement: Labor Standards, Wage Theft, Worker Misclassification. [AB 594](#) (Maienschein) amends LC §§218 and 226.8 to add Ch. 8 (commencing with §180) to Div. 1, and to repeal LC §181 to expand and strengthen public prosecutors' right to enforce state labor standards, wage theft, and worker misclassification laws.

State Safety Member, Peace Officer, Dept. of Forestry Firefighter Death Benefits. [AB 621](#) (Irwin) amends LC §4707 to exempt specified state safety workers from certain limits on death benefits so their dependents can collect CalPERS and workers' compensation death benefits in the same manner as local public safety workers and CHP officers. The law applies retroactively to 1/1/19 for injuries not previously claimed or resolved.

Firefighter Cancer. [AB 700](#) (Grayson) adds Art. 4 commencing with §104210 to Ch. 2, Part 1 of H&S Code Div. 103 to request that U.C. develop a grant program in support of California Firefighter Cancer Prevention and Research.

Workplace Readiness for Teens. [AB 800](#) (Ortega) adds Ed Code §49110.5 to require public high schools to hold an annual "workplace readiness week" to teach juniors and seniors about employee rights, including how workers' comp, unemployment insurance, sick leave, disability insurance and other programs work; the difference between employees and independent contractors; wage and hour regulations; and unionization. Also requires that minors seeking work permits be given information on worker rights prepared by U.C. Berkeley's Center for Labor Research and Education.

Medical Use of Rescheduled Drugs. [AB 1021](#) (Wicks) adds H&S Code §1150.3 to allow certain drugs like psilocybin and MDMA (ecstasy) currently classified as Schedule 1 drugs (no accepted medical use and a high potential for abuse) to be prescribed and dispensed if the DEA reschedules them to allow for medical use.

Fast Food Work. [AB 1228](#) (Holden) adds Art. 4 (commencing with §104210) to Ch. 2, Part 1, Div. 103 of the H&S Code to raise the minimum wage for fast food workers at chains with more than 60 locations nationwide to \$20/hour effective 4/1/24 and to create a council to oversee future wage increases and workplace regs. The council will include 2 industry representatives, 2 franchisees or restaurant owners, 2 employees, 2 employee advocates, and a neutral member of the public who will be the chair. Businesses that make and bake bread on site are excluded from the law, which is contingent on fast-food companies withdrawing a ballot referendum challenging the council. The law sunsets 1/1/29.

Pharmacy Safety. [AB 1286](#) (Haney) amends B&P Code §§4113, 4115, 4192, 4204, and 4301 and adds B&P Code §§4113.1, 4113.6, and 4316.5 to require pharmacies to: designate a pharmacist-in-charge, responsible for compliance with state and federal laws and regulations, including specified staffing levels; report medication errors; authorize specific tasks that may be performed by pharmacy techs; set requirements for the licensure of clinics, including an application that shows that a professional director is responsible for safe, orderly, and lawful provision of pharmacy services; require that a consulting pharmacist certify compliance with quarterly inspections and provide a self-assessment form; expand the list of actions that constitute unprofessional conduct; authorize the Pharmacy Board to issue orders of abatement and fines of up to \$5,000 for operating facilities or engaging in activities without a license.

Telehealth: Out-of-State Physicians. [AB 1369](#) (Bauer-Kahan) Adds B&P Code §2052.5 to allow a non-California licensed physician to deliver telehealth care to eligible patients with immediately life-threatening diseases or conditions.

Definition of “Employee.” [AB 1766](#) (Labor & Employment Comtee) in part amends LC §3351 to delete a statutory reference to the definition of “employee” made obsolete by the Dynamex decision and subsequent legislation.

Workplace Restraining Orders. [SB 428](#) (Blakespear) amends, repeals, and adds CPC §527.8 to expand an employer’s ability to seek a restraining order and protective order on behalf of an employee if there is evidence that an employee has suffered harassment, that great or irreparable harm would result to an employee, and that the respondent’s conduct served no legitimate purpose. Employers must allow an employee whose protection is sought to decline to be named in the order before the petition is filed and courts may not issue such orders to the extent that they prohibit speech or activities protected by the National Labor Relations Act or laws governing the communications of exclusive representatives of public employees. The bill takes effect 1/1/25.

Health Care Worker Minimum Wage. [SB 525](#) (Durazo) adds LC §§1182.14 and 1182.15 to establish 5 separate minimum wage schedules for specified health care employees that increase minimum wages for these workers.

Workplace Violence Prevention Plans. [SB 553](#) (Cortese) amends, repeals, and adds CPC §527.8, amends LC §6401.7, and adds LC §6401.9 to require most employers to establish workplace violence prevention plans and maintain a log of violent incidents and investigations, train employees on reporting incidents, and allow employees to petition for a restraining order. Plans, training and recordkeeping must be operative by 7/1/24. Cal/OSHA will enforce the requirements and must propose standards by 12/31/25 and adopt them by 12/31/26.

Paid Sick Time. [SB 616](#) (Gonzalez) amends LC §§245.5, 246, and 246.5 to increase the minimum paid sick time that employers must provide employees from 3 to 5 days, either on a lump-sum or accrual basis. Employers can continue to allow 1 hour of sick time to accrue for every 30 hours worked or can use an alternate method as long as eligible employees accrue at least 24 hours of sick leave after 120 days of employment and at least 40 hours of sick leave after 200 days of employment. The bill also increases the cap that employers may impose on annual sick leave usage from 24 to 40 hours; increases the accrued sick time that employees can carry forward from year to year from 48 to 80 hours (but no carry forward is required if sick leave is provided on a lump-sum basis); and amends the schedule for in-home support service providers to increase their paid sick leave accrual to 5 days in each year of employment. The bill includes an exception for employees covered by a collective bargaining agreement that provides paid sick leave, subject to certain conditions, but requires that they be allowed to use their sick leave for the same reasons as other employees not covered by the collective bargaining agreement.

PTSD Presumption. [SB 623](#) (Laird) amends LC §3212.15 to expand the first responder PTSD presumption to include firefighters for State Hospitals and the Developmental Services, VA, and Military Departments and to move the sunset date from 1/1/25 to 1/1/29. CHSWC must also report on the effectiveness of the presumption by 1/1/27.

Employment Discrimination: Cannabis Use. [SB 700](#) (Bradford) amends GC §12954 to make it unlawful for employers to request information from a job applicant about their prior use of cannabis, as specified. However, such information obtained from a person’s criminal history is exempt if the employer is permitted to consider or inquire about that information under a specified provision of the California FEHA or other state or federal law.

Insurance Fraud Statement. [SB 743](#) (Nguyen) amends IC section 1871.2 to require that insurers provide a fraud statement on a form upon which a person applies for a policy, seeks to amend insurance coverage, or furnishes information relating to underwriting criteria affecting premium or eligibility for coverage under an existing policy, instead of when that person applies for a policy or seeks to make a change to an existing policy.

Medical Board Investigations. [SB 815](#) (Roth) amends B&P Code §§853, 2001, 2007, 2019, 2020, 2064.5, 2065, 2096, 2097, 2224, 2225.5, 2234, 2266, 2307, 2334, 2425, 2435, and 2450; amends and repeals B&P Code §§2529, 2529.1, 2529.5, and 2529.6; and adds B&P Code §§2024.5, 2220.1, 2220.2, 2225.7, 2232.5, and 2307.5 to add Art. 3.5 (commencing with §2950) to Ch. 6.6 of Div. 2, and repeal §2270 of the B&P Code, and to amend H&S Code §123110 to require the state Medical Board to interview complainants before their cases close; create a public liaison unit to guide complainants through investigations; allow families and patients to make a victim impact statement before discipline is issued; and reduce the standard of proof used in most cases, bringing California in line with 41 other states.

To view these bills or others from the 2023 legislative session, visit the California Legislative Information page [here](#).

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