



## 2023/2024 California Legislative Session Recap

### **ASSEMBLY BILL 98 (J. Carrillo & Reyes) Warehouse zoning.**

**Status:** Passed legislature. Awaiting the Governor’s action. CRA signed a coalition signature request letter included in this packet. Also included in this packet is the veto request letter from the environmental justice community.

**Note:** This bill is likely the best compromise the business community will get. Whether or not the bill is signed, CRA is in a good position to be a part of the discussion or future cleanup language. This bill was negotiated at the request of Speaker Rivas.

**CRA Position:** Neutral.

Creates the following standards for new and expanded warehouse developments:

- Smaller setbacks – 300 ft / 500ft loading bays vs 1000 ft at property lines proposed in AB1000.
- Any warehouse more than 900 feet away from sensitive receptors is exempt from this chapter (except for any rezoning logistics project in the concentration zones).
- Better measurements using loading bay – not property line as proposed in AB 1000.
- No Private Right of Action.
- Protects from encroachment.
- Exempts for mixed use development (which protects housing construction), rail served projects, retail and food establishments serving customers.
- No moratoriums.
- Zero emission phased approach with offramps vs AB 1000’s immediate requirement & no offramps.
- Express protections for projects already in the que to avoid forcing them to start over unfairly.
- Resolves the issue around siting warehouses at the state level.

### **ASSEMBLY BILL 347 (Ting) Household product safety: toxic substances: testing and enforcement.**

**Status:** Passed legislature. Awaiting the Governor’s action. CRA signed a coalition veto request letter.

**CRA Position:** Oppose.

Requires the Department of Toxic Substances Control (DTSC) to enforce and ensure compliance with three existing laws that set limits for perfluoroalkyl and polyfluoroalkyl substances (PFAS) in food packaging, textiles and juvenile products. Requires, on or before July 1, 2029, a manufacturer of a covered product to register with DTSC and provide all of the following: the name and a description of each covered product it manufactures; the applicable registration fee; and a statement of compliance certifying that each covered product is in compliance with the applicable covered PFAS restriction.

CRA is working with DTSC on regulations and is not opposed to sponsoring possible “clean-up” language next year.

### **ASSEMBLY BILL 863 (Aguiar-Curry) Carpet recycling: producer responsibility organization.**

**Status:** Passed legislature. Awaiting the Governor's action.

**Note:** CRA negotiated this bill and the author's office addressed nearly all our concerns.

**CRA Position:** Neutral as amended.

Establishes a single producer responsibility organization (PRO) for carpet management and requires that the PRO to develop a producer responsibility plan for the collection, transportation, recycling, and the safe and proper management of covered products in the state.

CRA negotiated the following amendments into/out of the bill addressing nearly all of our members' concerns:

- Exclusion of resilient flooring category including rubber mats and vinyl flooring from both this bill and a future needs assessment;
- Exclusion of carpet pad from covered materials category (CMC)
- Exclusion of all area rugs at or smaller than 11 x 15
- Removal of retailers from mandatory carpet drop-off/collection sites
- Addition of retailer representative to CA Advisory Board
- Pricing structure transparency carryover from existing CARE program to ensure carpet/flooring manufacturers' costs are clearly outlined in their invoices sent to retailers
- Commitment from Author's office to include workforce development for carpet installers and other related workforce needs for carpet recycling as a focus for new CA Advisory Board created under this bill

### **ASSEMBLY BILL 2491 (Lee) Cosmetic products: safety.**

**Status:** Failed to move out of legislature.

**Note:** The author indicated he will reintroduce this bill next year.

**CRA Position:** Oppose.

Would have prohibited a person or entity from selling to a person under 13 years of age an over-the-counter skin care product or cosmetic product advertised to address skin aging that contains specified intentionally added ingredients.

### **ASSEMBLY BILL 2829 (Papan) Digital Advertising Services Tax Law.**

**Status:** Failed to move out of legislature.

**CRA Position:** Oppose.

Would have required any entity with over \$100 million in worldwide gross revenues to pay a 5% tax on the annual gross revenues derived from "digital advertising services" in California.

### **SENATE BILL 1053 (Blakespear) & AB 2236 (Bauer-Kahan) Carryout bags.**

**Status:** Passed legislature. Awaiting the Governor's action.

**Note:** CRA negotiated out the restrictive reusable bag definition and simplified that bags cannot be sold or offered at point of sale but can be anywhere else in the store.

**CRA Position:** Neutral as amended.

Eliminates the exemption of thicker plastic film bags from the state's single-use bag ban. Stipulates that only recycled paper bags, as defined, are permitted to be sold at point of sale. Reusable bags, made from any material, can be sold anywhere in the store aside from the point of sale, as defined. Requires, starting January 1, 2028, that all paper bags be made from at least 50% postconsumer recycled materials.

### **SENATE BILL 399 (Wahab) Employer communications: intimidation.**

**Status:** Passed legislature. Awaiting the Governor's action. CRA signed a coalition veto request letter.

**CRA Position:** Oppose.

Prohibits an employer, as specified and with limited exceptions, from subjecting, or threatening to subject, an employee to discharge, discrimination, retaliation or any other adverse action because the employee declines to attend an employer-sponsored meeting or affirmatively declines to participate in, receive or listen to any communications with the employer, the purpose of which is to communicate the employer's opinion about religious or political matters. As written, this can be interpreted to include store visits and bill signings.

### **SENATE BILL 707 (Newman) Responsible Textile Recovery Act of 2024.**

**Status:** Passed legislature. Awaiting the Governor's action.

**Note:** CRA, along with many member companies, negotiated this bill over two years to make it workable for industry, including a needs assessment, narrowing the scope of covered products, and revisions to the online marketplace definition.

**CRA Position:** Neutral.

Enacts a stewardship program known as the Responsible Textile Recovery Act of 2024, which would require a producer of apparel, as defined, or textile articles, as defined, to form and join a producer responsibility organization or PRO. Requires the department to adopt regulations to implement the program no earlier than July 1, 2028. Requires the PRO to submit to the department, for approval or disapproval, a complete plan for the collection, transportation, repair, sorting and recycling and the safe and proper management, of apparel, as defined, and textile articles, as defined, in the state. Upon approval of a plan, or commencing July 1, 2030, whichever is earlier, makes a producer subject to specified civil penalties, unless the producer is a participant of a PRO, and all apparel and textiles are accounted for in the plan. Requires the PRO to review the plan at least every 5 years after approval. Requires a PRO to submit an annual report to the department, as provided.

### **SENATE BILL 1066 (Blakespear) Hazardous waste: marine flares: manufacturer responsibility.**

**Status:** Passed legislature. Awaiting the Governor's action.

**CRA Position:** Support.

Establishes the Marine Flare Manufacturer Responsibility Act of 2024; requires on and after January 1, 2026, a manufacturer, as defined, that sells, offers for sale, imports or distributes a covered product, as defined, in the state to submit to the Department of Toxic Substances (DTSC) a manufacturer responsibility plan (MRP) for approval by DTSC; requires manufacturers to implement their approved MRP and to annually submit a publicly available report, as specified, on or before March 1; and establishes the Marine Flare Recovery Fund.

### **SENATE BILL 1089 (Smallwood-Cuevas) Grocery and pharmacy closures.**

**Status:** Passed legislature. Awaiting the Governor's action.

**Note:** CRA negotiated the 45-day notice (down from 90) along with differentiating the definitions of consumer and patient.

**CRA Position:** Neutral as amended.

Requires grocery and pharmacy establishments with more than five employees to provide notice, no later than 45 days before a closure, to its employees and various state and local entities and requires the local workforce development board in which that covered establishment is located to provide information about safety net programs and local workforce training services.

### **SENATE BILL 1116 (Portantino) Unemployment insurance during trade disputes.**

**Status:** Failed to move out of legislature.

**CRA Position:** Oppose.

Would have allowed individuals involved in a trade dispute, after a two-week waiting period, to collect unemployment insurance benefits.

### **SENATE BILL 1143 (Allen) Paint products: stewardship program.**

**Status:** Passed legislature. Awaiting the Governor's action.

**Note:** CRA, along with a broad coalition, worked on this bill heavily and it was significantly narrowed to its current form. The household hazardous waste policy will be reintroduced next year.

**CRA Position:** Neutral as amended.

Makes changes to the state's paint product stewardship program to expand the number of products covered in the program by January 1, 2028, at the latest and to require manufacturers of paint products to review their stewardship plan and submit any amendments to CalRecycle for review on a five-year basis.

### **SENATE BILL 1272 (Laird) Gift Cards.**

**Status:** Gut and Amended; Failed to move out of legislature.

**Note:** Margaret Gladstein, on behalf of CRA, lead the opposition to this bill. The governor's office, at the request of CRA, intervened on this bill to encourage the author's office to work with CRA on amendments.

**CRA Position:** Oppose.

Prior to the amendments, would have raised the maximum redeemable cash amount of a gift certificate to \$25, as adjusted for inflation on an annual basis to the closest dollar.

### **SENATE BILL 1280 (Laird) Waste management: propane cylinders: reusable or refillable.**

**Status:** Passed legislature. Awaiting the Governor's action.

**CRA Position:** Oppose.

On and after January 1, 2028, prohibits the sale or offer for sale of propane cylinders other than those propane cylinders that are reusable or refillable, as defined. Requires the department to adopt regulations to implement the provisions of this bill with an effective date of January 1, 2028.

### **SENATE BILL 1446 (Smallwood-Cuevas) Self-service checkout station staffing floor/ration.**

**Status:** Failed to move out of legislature.

**Note:** CRA worked directly with Assembly leadership to hold bill in the Rules committee. CRA expects this bill to be reintroduced next year.

**CRA Position:** Oppose.

Would have prohibited a grocery retail store, a retail drug establishment or a superstore, as those terms are defined, from providing a self-service checkout option for customers unless specified conditions are satisfied, including having no more than two self-service checkout stations monitored by any one employee and requiring the employee to be relieved of all other duties. Would have required stores that offer self-service checkout to include self-service checkout in the employer's illness and prevention program, as required by Division of Occupational Safety and Health regulations. Would have required a store that intends to implement consequential workplace technology, as defined, to notify workers, their collective bargaining representatives and the public at least 60 days in advance of the implementation of the technology with a general description of the technology and the intended purpose of the technology, as specified.

### **SENATE BILL 1494 (Glazer) Local agencies: Sales and Use Tax: retailers.**

**Status:** Failed to move out of legislature.

**CRA Position:** Oppose.

Would have prohibited a local agency, on or after January 1, 2024, from entering into, renewing or extending sales and use tax rebate agreements with retailers in exchange for locating in their jurisdiction, and voids agreements entered into before that date on January 1, 2030.