

New state + local laws affecting restaurants in 2019

AS OF NOVEMBER 1, 2018

STATE LAWS		State laws take effect January 1 unless otherwise stated.
State Law /Author	Subject	Description
AB 1884 (Calderon - D)	Plastic straws: full-service restaurants	Bans full-service restaurants from providing single-use <u>plastic</u> straws to consumers unless requested. First and second violation results in a “notice of violation.” Subsequent violations punishable by a \$25.00 fine for each day of violation (not to exceed \$300.00 annually).
AB 1826 (Chesbro - D) *Enacted in 2014	Solid waste: organic waste mandate	Jan. 1, 2019: businesses that generate four cubic yards or more of commercial solid waste per week must arrange for organic waste recycling services. Requirements on businesses have been phased in over time based on the amount and type of waste produced on a weekly basis, with full implementation in 2019. Businesses that generate eight cubic yards of organic waste per week had to arrange for organic waste recycling service starting April 1, 2016 and businesses generating four cubic yards of organic waste per week had to arrange for organic waste recycling services on Jan. 1, 2017.
AB 1976 (Limon - D)	Lactation accommodation	Changes current law requiring employers to provide lactation accommodation somewhere other than a bathroom “stall” and, instead, requires the use of a location other than a bathroom. Narrow hardship exemption for employers.
AB 2524 (Wood - D)	Host facilities	Ads catering operations and host facilities to the definition of food facility which allows these entities the necessary local permits to serve food at breweries, wineries, and other locations approved by the local county health department.
AB 2914 (Cooley - D)	Cannabis + alcoholic beverages	Outlaws an alcoholic licensee from selling, offering, or providing an alcoholic beverage that contains cannabis or cannabis products. ABC must take disciplinary action for violations, including license suspension or revocation.
AB 3002	Building permit applications/	Local governments must provide ADA compliance resources to commercial building permit applicants

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(Grayson - D)	ADA compliance resources	when they seek permits to make “additions, alterations, and structural repairs” to existing facilities, or to undertake new construction. Mandatory resources include: compliance information of the ADA and Unruh Act; strong encouragement to have an inspection by a Certified Access Specialist (CAsp) prior to alteration or construction to ensure that the property will be in compliance after the work is performed, and advantages of compliance; information about how to locate a CAsp, including a link to the California Division of the State Architect website for information about CAsps doing business in specific areas, and to obtain their services; and notice about specified federal and state programs available to assist small businesses with disability compliance and access expenditures.
SB 3 (Leno - D) *Enacted in 2016	Statewide minimum wage increase	\$12.00 for employers with 26 or more employees. \$11.00 for employers with 26 or fewer employees.
SB 826 (Jackson - D)	Corporate board of directors	By 2020, publicly held domestic or foreign corporations whose principal executive offices are located in California must have a minimum of one female director on its Board of Directors (Board). By 2021, a Board with six or more directors must have at least three female directors; a Board with five directors must have at least two female directors; and a Board with four or fewer directors must have at least one female director. In July 2019, the California Secretary of State will issue public reports on annual compliance. A first violation is punishable by a \$100,000 fine and a subsequent violation is punishable by a \$300,000 fine.
SB 946 (Lara - D)	Sidewalk vendors	Decriminalizes sidewalk vending and allows local government regulation of health and safety standards. Restricts local regulation of time and place of a vendor unless it is directly related to health, safety and welfare concerns and bars economic/competitive concerns of brick and mortar from consideration. Violations punishable by fines not to exceed: \$100 for a first violation; \$200 for a second violation within one year of the first violation; \$500 for each additional violation within one year of the first violation. Local authority may rescind permit upon the fourth violation or subsequent violations.
SB 1192 (Monning - D)	Kids’ meals: default beverages	Restaurant kids’ meals that include a beverage must make the default beverage water, sparkling water, flavored water, or unflavored or nondairy milk. First violation will result in a “notice of violation.”

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		Additional violations within a five-year period will be punishable by fines up to: \$250 for a second violation; \$500 for a third or subsequent violation.
SB 1252 (Pan - D)	Wage records: inspection + copy	States that a worker's right under the Labor Code to 'inspect or copy' his/her paystubs means a right to 'inspect or receive a copy.' Employer failure to permit a current or former employee to inspect or receive a copy of records within 21 calendar days from the date of the request entitles the current or former employee or the Labor Commissioner to recover a \$750 employer penalty.
SB 1283 (Bradford - D)	Brewpub- restaurant licensees: off- premise sales	Allows for a brewpub restaurant licensee to label, bottle, package, or refill any container with beer produced on their licensed premises and to sell beer to consumers for consumption off the premises. Allows a brewpub-restaurant licensee to donate or sell beer produced by the licensee to a nonprofit.
SB 1300 (Jackson - D)	Non- disparagement agreements: ban	Employers may not require, as a condition of employment, an employee to sign a non-disparagement agreement or require the release of a claim or right under the Fair Employment + Housing Act in exchange for a raise, bonus or severance package.
SB 1343 (Mitchell - D)	Sexual harassment prevention training	Employers with five or more employees must provide at least one hour of sexual harassment prevention training to <i>all</i> non-supervisory employees by Jan. 1, 2020 and once every two years following. The Department of Fair Employment and Housing will develop or obtain an online training course.
SB 1397 (Hill - D)	Automated external defibrillator requirement	Jan. 1, 2020: an automatic external defibrillator must be installed in any residential, commercial, educational, institutional or factory building with occupancy for 200 or more people that has had renovations totaling at least \$100,000 in a calendar year.
SB 1412 (Bradford - D)	Hiring: criminal history	Lays out the circumstances when an employer is prohibited from asking an applicant about criminal convictions that have been judicially dismissed or ordered sealed by limiting employer inquiries to "particular convictions" where conviction of a crime would legally prohibit someone from holding that job.
SB 1503	Alcoholic beverage	The Department of Alcoholic Beverage Control (ABC) will be able to add conditions when a licensee is changing the physical layout of a licensed premises. Establishes that a condition may be

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(Committee on Government Organization)	licensees: conditions	modified or removed when there is a substantial change in the conditions that led to the imposition of conditions and allows ABC to revisit and evaluate certain conditions. Provides for a streamlined review of existing ABC licensed businesses, reduces fiscal and procedural burdens on ABC and licensees, and still entitles licensees to disagree with proposed conditions and to exercise all current rights provided by the law.
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LOCAL ORDINANCES		
SAN FRANCISCO BAY AREA REGION		
Region	Subject	Description
Alameda	Minimum wage	July 1, 2019: \$13.50 July 1, 2020: \$15.00
Belmont	Minimum wage	Jan. 1, 2019: \$13.50 Jan. 1, 2020: \$15.00
Berkeley	Minimum wage	July 1, 2019: indexed for annual increases using the consumer price index for urban wage earners and clerical workers for the San Francisco-Oakland-San Jose, CA metropolitan statistical area.
Concord	Polystyrene ban	July 1, 2019: expanded polystyrene foam food ware prohibited.
Cupertino	Minimum wage	Jan. 1, 2019: \$15.00
El Cerrito	Minimum wage	Jan. 1, 2019: \$15.00
Emeryville	Minimum wage	July 1, 2019: \$16.00 (estimated per CPI increase).
Los Altos	Minimum wage	Jan. 1, 2019: \$15.00
Milpitas	Minimum wage	July 1, 2019: \$15.00
Mountain View	Minimum wage	July 1, 2019: indexed for annual increases using the consumer price index for urban wage earners and

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		clerical workers for the San Francisco-Oakland-San Jose, CA metropolitan statistical area.
Palo Alto	Minimum wage	Jan. 1, 2019: \$15.00
Redwood City	Minimum wage	Jan. 1, 2019: \$13.50 Jan. 1, 2020: \$15.00 + consumer price index
Richmond	Minimum wage	Jan. 1, 2019: \$15.00
San Francisco	Minimum wage	July 1, 2019: \$15.00 + consumer price index. Indexed for annual increases using the consumer price index for urban wage Earners and Clerical Workers for the San Francisco-Oakland-San Jose, CA metropolitan statistical area.
San Francisco	Fluorinated chemicals, single-use plastics	July 1, 2019: All single-use food-ware accessory items (stirrers, toothpicks, beverage plugs, and cocktail sticks) must be provided only upon customer request or by self-serve and made of compostable materials. Plastic straws may also be available to customers upon-request or by self-serve, but without any material restrictions. Food ware accepted in composting program must be BPI (Biodegradable Product Institute) certified. All products containing fluorinated chemicals are prohibited.
San Jose	Minimum wage	Jan. 1, 2019: \$15.00
San Leandro	Minimum wage	Jan. 1, 2019: \$14.00
San Mateo	Minimum wage	Jan. 1, 2019: \$15.00
Santa Clara	Minimum wage	Jan. 1, 2019: \$15.00
Santa Cruz County	Alcohol license fee increase	Restaurants will continue to receive invoices alphabetically by business name: October 2018: A-H; December 2018: I-Q; February 2019: R-Z
Sunnyvale	Minimum wage	Jan. 1, 2019: \$15.65
LOS ANGELES COUNTY		
Region	Subject	Description

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<p>Unincorporated areas of Los Angeles County + the cities of Los Angeles, Malibu, + Santa Monica</p>	<p>Minimum wage</p>	<p>July 1, 2019: \$14.25 (26 or more employees) July 1, 2020: \$15.00 (26 or more employees)</p> <p>July 1, 2019: \$13.25 (25 or fewer employees) July 1, 2020: \$14.25 (25 or fewer employees) July 1, 2022: CPI</p>
<p>Calabasas</p>	<p>Single-use plastic ban/upon request</p>	<p>April 30, 2019: bans retail food establishments from distributing or selling plastic straws, stirrers, and cutlery. Plastic straws, stirrers or cutlery may only be provided to individuals with disabilities upon request. On or before April 30, 2019, each retail food establishment in the city must annually provide a written certification, signed under penalty of perjury by one authorized to bind the retail food establishment, stating that the owners and operators of the establishment are aware of the requirements and prohibitions. This annual report may be on a form provided by the Public Works Director and the reports and written records evidencing compliance with this chapter shall be maintained for a minimum of two (2) years.</p>
<p>Long Beach</p>	<p>Single use food-ware/upon request</p>	<p>Bans the use of single-use food and beverage containers made of expanded polystyrene (EPS) foam, rigid polystyrene #6, and non-recyclable and non-compostable material for prepared food distribution according to the following schedule:</p> <p>March 3, 2019: large food providers (restaurants seating more than 101 people). This tier includes any franchise restaurant, grocery or convenience store, any food truck, and Long Beach Unified School District.</p> <p>Dec. 3, 2019: small food providers (including restaurants seating 100 or fewer people).</p> <p>Single-use utensils and straws are given upon request only for take away items.</p>
<p>Manhattan Beach</p>	<p>Single-use plastic ban/upon request</p>	<p>Jan. 1, 2019: bans plastic disposable straws, utensils, and stirrers distributed by food providers, whether for use on-site, to-go, or delivery. Disposable non-plastic alternative straws, stirrers, or utensils shall only be provided upon request of the customer.</p>
<p>Santa Barbara</p>	<p>Single-use plastic ban/upon request</p>	<p>July 1, 2019: bans food and beverage providers from using, providing, distributing, or selling plastic straws, plastic stirrers, and plastic cutlery to any person. Non-plastic alternative straws, stirrers, and cutlery shall be provided only “upon request.”</p> <p>EPS Fact Sheet // EPS Ban Alternatives Chart</p>

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Santa Monica	Marine degradable food ware/upon request	Bans disposable plastic food ware (including plastic straws, plates, bowls, trays, lids, utensils, cups, stirrers, lid plugs, and lidded containers) and, instead, requires the use of “marine degradable” material. Marine degradable disposable straws and utensils must be provided only upon request. Note: Jan. 1, 2019 is the effective date, but city staff has indicated a letter will go out to all local registered food service business addresses indicating enforcement will be delayed until July 1, 2019.
SAN DIEGO COUNTY		
Region	Subject	Description
Chula Vista	Food truck ordinance	Mobile food trucks will have to abide by the following conditions: possess an annual vending and hosting permit; be subject to a valid commissary agreement; maintain a valid San Diego County health permit and business license; have limited use of outside furniture; comply with performance standards; and operate with property owner permission and compliance with public parking and street regulations.

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