

New state & local laws impacting restaurants in 2024

AS OF (11/3/23)

Prior laws & regulations (phased in)	Subject	Summary
Statute	Minimum wage	<p>\$16.00/hour Indexing capped at 3.5% annually. (except quick-serve restaurants with 60 or more locations, see AB 1228 below).</p> <p>https://www.dir.ca.gov/dlse/faq_minimumwage.htm</p>
Cal Recycle	Edible food recovery mandate	<p>Restaurants with 250 or more seats or a total facility size of at least 5,000 sq. ft, certain hotels, health facilities, local education entities, state cafeterias, and large venues and events are required to donate all leftover or unsold edible food to a food recovery organization.</p> <p>https://calrecycle.ca.gov/organics/slcp/foodrecovery/donors/</p>
Dept. of Food & Agriculture	Proposition 12: animal confinement	<p>Restaurants can no longer sell non-compliant pork products purchased prior to June 30, 2023.</p> <p>https://www.cdfa.ca.gov/AHFSS/AnimalCare/</p>
Cal/OSHA	Workplace standards: COVID-19 requirements	<p>COVID-19 workplace regulation requiring employers to maintain a procedure to address COVID-19 in the employer's Injury and Illness Prevention Program, test employees based on a close contact at work, and exclude COVID-19 positive employees from the workplace. Effective Feb. 3, 2023 through Feb. 3, 2025. Some recordkeeping obligations remain in effect through 2026.</p> <p>https://www.dir.ca.gov/dosh/coronavirus/Non_Emergency_Regulations/</p>

Unless specified, all new legislation goes into effect Jan. 1, 2024. The above have been identified as some of the new laws most directly affecting restaurateurs. The above are brief summaries and do not constitute legal advice. Please consult your attorney, accountant or other appropriate professional as needed.

AB 2188 (Quirk)	Employment discrimination: cannabis	Amends the Fair Employment and Housing Act (“FEHA”) to prohibit employers from discriminating against individuals while hiring, firing, setting a condition of employment, or penalizing employees at work due to the individual’s use of cannabis off the job. Employers may prevent cannabis use and possession in the workplace and conduct pre-employment drug screening through impairment tests and tests that identify the presence of THC in body fluids. Bill Text - AB-2188 Discrimination in employment: use of cannabis.
SB 1013 (Atkins)	Wine & spirits: Beverage Container Recycling Program	Subjects wine and distilled spirit bottles to the California Beverage Container Recycling Program, which requires distributors to remit a redemption payment for every qualifying beverage container sold in California. The California Refund Value (CRV) is 5-cents for containers under 24 ounces and 10-cents for containers 24 ounces or greater. Also imposes a 25-cent CRV to wine and distilled spirits packaged in a box, bladder, pouch, or similar container. Bill Text - SB-1013 Beverage container recycling. (ca.gov)

New State Law /Author	Subject	Summary of law
AB 594 (Maienschein)	Duplicative labor enforcement: local prosecutor enforcement	Allows Attorney General and public prosecutors to enforce portions of the Labor Code related to wage and hour and employee classification provisions for 5-years. Bill Text - AB-594 Labor Code: alternative enforcement. (ca.gov)
AB 1013 (Lowenthal)	Bars/nightclub s: drug testing devices	Requires bars and nightclubs to offer drug testing devices for sale to customers to detect drugged drinks. Requires prominent postings regarding availability of drug testing devices. Bill Text - AB-1013 On-sale general public premises: drug testing devices. (ca.gov)
AB 1217 (Gabriel)	Regulatory relief: alcohol & satellite food service	Extends low cost, streamlined ABC approval process for alcohol service in expanded outdoor dining spaces, via the “temporary catering authorization.” Streamlines permitting process for light food preparation (satellite food service) closer to expanded, noncontiguous outdoor dining areas. Bill Text - AB-1217 Business pandemic relief. (ca.gov)

Unless specified, all new legislation goes into effect January 1, 2024. The above have been identified as some of the new laws most directly affecting restaurateurs. The above are brief summaries and do not constitute legal advice. Please consult your attorney, accountant or other appropriate professional as needed.

<p>AB 1228 (Holden)</p>	<p>Minimum wage: quick-service restaurants</p>	<p>Beginning April 1, 2024, the minimum wage for quick-serve restaurant employees under brands with more than 60 locations will be \$20/hour. Local governments are prohibited from imposing targeted minimum wages on these same restaurants for 5-years. Eliminates AB 257 from the books (including the authorized \$22 minimum wage and state and local Councils to set workplace conditions). Eliminates Industrial Welfare Commission focus on restaurants and establishes a Fast-Food Council.</p> <p>Bill Text - AB-1228 Fast food restaurant industry: Fast Food Council: health, safety, employment, and minimum wage. (ca.gov)</p>
<p>SB 76 (Wiener)</p>	<p>Entertainment zones: restaurant alcohol sales</p>	<p>Allows the City and County of San Francisco to create designated outdoor “entertainment zones” where restaurants and bars can participate in the sale of alcohol to patrons at street fairs, outdoor festivals, and other events.</p> <p>Bill Text - SB-76 Alcoholic beverages: music venue license: entertainment zones: consumption. (ca.gov)</p>
<p>SB 253 (Wiener)</p>	<p>Supply chain: climate impact data</p>	<p>Imposes mandatory climate tracking and auditing of greenhouse gas emission data for businesses with total annual revenue of one billion dollars or more.</p> <p>Bill Text - SB-253 Climate Corporate Data Accountability Act. (ca.gov)</p>
<p>SB 234 (Portantino)</p>	<p>Opioid antagonists: onsite mandate</p>	<p>Requires stadiums, concert venues, and amusement parks to maintain unexpired doses of naloxone hydrochloride (or any other opioid antagonist) on its premises to address cases of overdose. At least 2 employees must be aware of the location of the opioid antagonist.</p> <p>Bill Text - SB-234 Opioid antagonists: stadiums, concert venues, and amusement parks. (ca.gov)</p>
<p>SB 365 (Wiener)</p>	<p>Arbitration</p>	<p>Strips courts of a right by prohibiting a trial court from automatically staying proceedings during an appeal of an order dismissing or denying arbitration. Allows cases to move forward even before the appeal has been fully considered.</p> <p>Bill Text - SB-365 Civil procedure: arbitration. (ca.gov)</p>
<p>SB 476 (Limon)</p>	<p>Food handler training: employer pays</p>	<p>Restaurants and other food service providers must treat both the training and testing time of employees as compensable time. Employees must be relieved of all other duties while engaged in the training and testing.</p> <p>Bill Text - SB-476 Food safety: food handlers. (ca.gov)</p>

Unless specified, all new legislation goes into effect January 1, 2024. The above have been identified as some of the new laws most directly affecting restaurateurs. The above are brief summaries and do not constitute legal advice. Please consult your attorney, accountant or other appropriate professional as needed.

SB 478 (Dodd)	“Junk Fees”	<p>Starting July 1, 2024, advertising, displaying, or offering a price for a good or service must include all mandatory fees or charges. While restaurants were not the target of this legislation state officials have recently made conflicting comments about the scope of the new law and its potential impact on restaurants. The CRA is working with urgency to resolve this lack of clarity.</p> <p>Bill Text - SB-478 Consumers Legal Remedies Act: advertisements. (ca.gov)</p>
SB 497 (Smallwood-Cuevas)	Presumption of employer violations	<p>Establishes a rebuttable presumption in favor of an employee's retaliation claim if an employer engages in disciplinary behavior within 90 days of the employee engaging in protected activity (e.g., pregnancy, medical leave) under the Labor Code.</p> <p>Bill Text - SB-497 Qualifying accounts for direct deposit of publicly administered funds. (ca.gov)</p>
SB 553 (Cortese)	Workplace violence prevention	<p>Beginning July 1, 2024, employers must have updated their existing Injury and Illness Prevention Programs (IIPP) to include Workplace Violence Prevention Plans (WVPPs) that comply with the new Labor Code section 6401.9. Employers must keep violent incident logs, train employees, and comply with record-keeping requirements.</p> <p>Bill Text - SB-553 Occupational safety: workplace violence: restraining orders and workplace violence prevention plan. (ca.gov)</p>
SB 616 (Gonzalez)	Paid sick leave	<p>Expands statewide paid sick leave requirements for employers from 24-hours to 40-hours per year, increases the employee carry-over allowance to 40-hours, and increases the employee accrual cap to 80-hours.</p> <p>Bill Text - SB-616 Sick days: paid sick days accrual and use. (ca.gov)</p>
SB 723 (Durazo)	Right of retention/rehire requirements	<p>Takes temporary COVID-19 legislation and extends it by one year. Requires hotel, private club, event center, and airport hospitality operation employers- <u>including restaurants in each of those spaces</u>- to provide laid-off employees first right of refusal for positions they held for 6-months or more or are deemed qualified for. Employees have 5 workdays to respond to job offers. Establishes a presumption that a separation due to a lack of business, reduction in force, or other economic non-disciplinary reason is due to the COVID 19 pandemic.</p> <p>Bill Text - SB-723 Employment: rehiring and retention: displaced workers. (ca.gov)</p>

Unless specified, all new legislation goes into effect January 1, 2024. The above have been identified as some of the new laws most directly affecting restaurateurs. The above are brief summaries and do not constitute legal advice. Please consult your attorney, accountant or other appropriate professional as needed.