LCW 2025

NONPROFIT LEGISLATIVE ROUNDUP

The Nonprofit Legislative Roundup is a compilation of bills, presented by subject, which were signed into law and have an impact on the employment and nonprofit related issues of our clients. Unless the bills were considered urgency legislation (which means they went into effect the day they were signed into law), bills are effective on January 1, 2026, unless otherwise noted. Urgency legislation will be identified as such. Several of the bills summarized below apply directly to nonprofits. Bills that do not directly apply to nonprofits are presented either because they indirectly apply, may set new standards that apply or would generally be of interest to our nonprofit clients.

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EMPLOYMENT

AB 288 – Expands the Public Employment Relations Board's Jurisdiction to Those Covered by the National Labor Relations Act Who Are Unable to Obtain Relief From the National Labor Relations Board.

The National Labor Relations Act (NLRA) is codified at 29 U.S.C. section 151, *et seq*. The NLRA establishes the National Labor Relations Board (NLRB) to enforce the protection of private sector employees' and employee organizations' rights to organize, engage in collective bargaining, participate in concerted activities, and prevent and remedy unfair labor practices by employers and labor organizations, and oversee the conduct of private sector union representation elections. The NLRB's authority includes investigating charges, issuing complaints, and adjudicating disputes to enforce these prerogatives.

In California, existing law establishes the Public Employment Relations Board (PERB) to perform functions similar to that which the NLRB performs, but for public employers and employees under various acts regulating collective bargaining. Like the NLRB, PERB has the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice.

AB 288 declares that the NLRB has become less effective at effectuating its intended purpose. To address this issue, AB 288 expands PERB's jurisdiction to enforce protections for private sector employees, including employees who are covered or would otherwise be covered by the NLRA, but who are denied such protections because the NLRA was either repealed, narrowed, or its enforcement enjoined in a case involving that employee or group of employees, or because the NLRB expressly or impliedly ceded its jurisdiction.

In such circumstances, AB 288 authorizes PERB to retain jurisdiction over cases for which an employee or their representative petitioned PERB to process a representation petition, certify an exclusive bargaining representative, or decide an unfair labor practice case.

AB 288 establishes a phased schedule for PERB to prioritize enforcement matters as follows:

- January 1, 2026 - Cases involving large employers (500 or more employees) that allege a refusal to bargain, a refusal to recognize, or a refusal to give effect to an election certification. Cases involving a unilateral withdrawal of recognition by an employer of any size.
- July 1, 2026 – Cases involving an employer of any size alleging a refusal to bargain, a refusal to recognize, or a refusal to give effect to an election certification.
- January 1, 2027 – Cases alleging that an employer failed to bargain in good faith if the parties have engaged in negotiations for more than six months without reaching an agreement.

Additionally, AB 288 establishes a PERB Enforcement Fund within the State Treasury (Fund). AB 288 authorizes PERB to order appropriate remedies and assess civil penalties in an amount of $1,000 per worker per violation if it finds that an employer has engaged in a pattern or practice of committing unfair practices. Any civil penalty collected pursuant to the law will be deposited into the Fund. The bill authorizes the Legislature to appropriate moneys in the Fund to PERB for purposes of administering the new authority under AB 288.

(AB 288 amends Sections 1141 and 1148, and adds Sections 923.1 and 1140.6 to the Labor Code.)

AB 406 – Prohibition on Discrimination Against Victims of Violence Reinstated to Labor Code.

The California Fair Employment and Housing Act (FEHA) prohibits employers from discriminating or retaliating against employees who take time off work due to jury service, court appearances, or circumstances related to qualifying acts of violence or crime. The FEHA currently authorizes the Civil Rights Department (CRD) to enforce these protections effective January 1, 2025, and provides rights related to leave, confidentiality, and reasonable accommodation for affected employees.

Until January 1, 2025, the Labor Code set forth the statutory prohibitions on discrimination or retaliation against an employee who took time off from work for the above purposes. During that time, the Division of Labor Standards Enforcement (DLSE) had authority to enforce these provisions. However, as of January 1, 2025, these Labor Code provisions were repealed and replaced by the provisions in the Government Code (under FEHA, as noted above) prohibiting discrimination or retaliation against an employee who is a victim or whose family member is a victim of qualifying acts of violence.

AB 406 reinstates the prior Labor Code provisions that governed employee rights to take leave or request accommodations as victims of crime, applying those provisions on a limited basis to alleged violations that occurred on or before December 31, 2024. AB 406 adds a sunset clause to the reinstated Labor Code provisions such that they are repealed January 1, 2035.

AB 406 also transfers enforcement responsibilities for the reinstated Labor Code provisions from the DLSE to the CRD to maintain consistency in enforcement.

AB 406 also updates the paid sick leave law in Labor Code Section 246.5 to reflect the transition from Labor Code to Government Code provisions, clarifying that victims of violence may use paid sick leave for qualifying absences.

AB 406 took effect immediately on October 1, 2025, as urgency legislation.

(AB 406 amends Section 12945.8 of the Government Code, amends Section 246.5, amends and repeals Sections 230.2 and 230.5, and adds Sections 230 and 230.1 of the Labor Code.)

AB 692 – Prohibition on Employee Repayment Contract Provisions.

Existing law declares that contracts restraining a person from engaging in a lawful profession, trade, or business are void as against public policy, except as expressly authorized.

Effective January 1, 2026, AB 692 prohibits an employment contract or work-related agreement that does the following: (1) requires a worker to repay an employer, training provider, or debt collector if the worker's employment or work relationship ends; or (2) imposes any penalty, fee, or cost as a result of termination. AB 692 exempts certain repayment obligations under contract, including the following: (1) a governmental loan repayment or forgiveness program; (2) a tuition repayment for transferable educational credentials that satisfies certain conditions; (3) an approved apprenticeship program; (4) the receipt of discretionary or unearned monetary payment at the outset of employment (i.e., a signing bonus); and (5) the lease, financing, or purchase of residential property.

AB 692 authorizes an employee or their representative to bring a civil action to recover actual damages or $5,000 per affected employee, whichever is greater, as well as injunctive relief, attorney's fees, and costs. AB 692 specifies that these rights and remedies do not restrict other enforcement options under state law.

(AB 692 adds Section 16608 to the Business and Professions Code and Section 926 to the Labor Code.)

AB 858 – Retention and Rehiring Provisions for Employees Separated Related to COVID-19.

Existing law requires certain employers in the hospitality, building services, airport, and event industries to offer available job positions to qualified laid-off employees who were separated from employment on or after March 4, 2020, for reasons related to the COVID-19 pandemic. Employers must offer positions based on a preference system that prioritizes employees with the greatest length of service and must maintain records of layoff and recall communications for at least three years. The law also prohibits retaliation against laid-off employees who seek to enforce these rights and authorizes enforcement by the Division of Labor Standards Enforcement (DLSE) through civil penalties and reinstatement remedies.

AB 858 extends the operation of the worker recall and retention requirements from December 31, 2025, to January 1, 2027, and preserves existing enforcement mechanisms, including employee rights to reinstatement, backpay, and benefits, as well as civil penalties of $100 per affected employee and $500 per day in liquidated damages for ongoing violations. It continues to grant the DLSE exclusive authority to enforce these provisions and authorizes courts to issue injunctive relief.

Most nonprofits will not be impacted by AB 858, though there may be some rare exceptions, and nonprofits concerned about potential coverage should speak with counsel.

(AB 858 amends Section 2810.8 of the Labor Code.)

SB 261 – Enforcement of DLSE Judgments Against an Employer.

The Labor Code authorizes the Division of Labor Standards Enforcement (DLSE) under the Labor Commissioner (Commissioner) to enforce California's labor laws, investigate wage claims, and issue orders, decisions, and awards for unpaid wages. When a judgment becomes final, the Commissioner or a judgment creditor may collect the amount owed and recover attorney's fees and costs spent for enforcing the judgment. If a final judgment against an employer remains unsatisfied after specified periods of time, such as for 30 days, the Commissioner may take enforcement actions, including barring the employer from conducting business in the state.

SB 261 extends who may recover court costs and attorney's fees for enforcing a judgment to include a public prosecutor.

Additionally, SB 261 requires a court to impose a civil penalty of up to three times the unpaid judgment amount, including post-judgment interest, when an employer fails to pay a final judgment for unpaid wages 180 days after the appeal period ends and no appeal is pending.

SB 261 directs courts to impose the full penalty unless the employer demonstrates by clear and convincing

evidence good cause to reduce the penalty. Courts must distribute penalties 50 percent to the affected employees and 50 percent to the DLSE for enforcement and education purposes.

(SB 261 amends Section 98.2 and adds Sections 238.05 and 238.10 to the Labor Code.)

SB 294 – The Workplace Know Your Rights Act.

The Division of Labor Standards Enforcement (DLSE), within the Department of Industrial Relations (DIR), enforces state labor laws.

SB 294 creates the Workplace Know Your Rights Act under the Labor Code, which requires employers to provide a stand-alone written notice to each current employee about specified workers' rights. Employers must provide such notice on or before February 1, 2026, and annually thereafter.

Employers must provide notice to all current employees, new hires, and any authorized representatives describing the following rights:

1. Rights to workers' compensation benefits and contact information for the Division of Workers' Compensation.
2. The right to notice of immigration agency inspections.
3. Protection from unfair immigration-related practices.
4. The right to organize or join a union and engage in concerted activities.
5. Constitutional rights when interacting with law enforcement at the workplace, including protections against unreasonable searches and self-incrimination.

Employers may provide the notice by personal service, regular mail, email, text, or another method that can be reasonably anticipated to be received within one business day.

SB 294 requires employers to issue the notice in the language normally used to communicate with employees and maintain compliance records for three years. The Labor Commissioner must create and post a template notice by January 1, 2026, that will include other legal developments that the Labor Commissioner deems relevant, update the template annually, and make it available in multiple languages.

SB 294 also requires that, by March 30, 2026, employers provide employees the opportunity to name an emergency contact and to indicate whether they would like the employer to notify the contact if the employee is arrested or detained on their worksite, or during work hours or during the performance of the employee's job duties, but not on the worksite, if the employer has actual knowledge of the arrest or detention of the employee. SB 294 requires that employers provide employees the opportunity to update their emergency contact at any time.

SB 294 prohibits retaliation or discrimination against employees who exercise or attempt to exercise their rights under the Workplace Know Your Rights Act. The Labor Commissioner and public prosecutors may enforce the law, and employers who violate it may face penalties of up to $500 per employee per violation per day, up to $10,000 per employee for violations of the emergency contact provisions of the Workplace Know Your Rights Act. The law permits waiver through a collective bargaining agreement only if clearly stated, and allows local ordinances to provide greater employee protections.

(AB 294 adds Part 5.6 (commencing with Section 1550) to Division 2 of the Labor Code.)

SB 303 – Bias Mitigation Training.

The Civil Rights Department (CRD) enforces the California Fair Employment and Housing Act (FEHA), which prohibits employment and housing discrimination based on protected characteristics. CRD investigates complaints, pursues enforcement actions, and seeks to eliminate unlawful practices.

Some employers provide bias mitigation or elimination training to their workforces to educate employees on understanding, recognizing, and acknowledging bias, including employees' own personal biases and their impact in the workplace. SB 303 provides that an employee's assessment, testing, admission, or acknowledgment of their own personal biases that is made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination under FEHA.

(SB 303 adds Section 12940.2 to the Government Code.)

SB 464 – Expands Civil Rights Department Pay Data Reporting Requirements.

The Civil Rights Department currently requires private employers with 100 or more CRD employees to file an Annual Pay Data Report.

Existing law requires these reports to include the number of employees by race, ethnicity, and sex across 10 federal job categories, along with pay-band placement, median and mean hourly rates, and hours worked. Employers with 100 or more labor-contractor employees must also file separate reports. Courts had discretion to impose penalties if employers failed to comply.

SB 464 makes several significant changes. Employers must now keep demographic information collected for reporting separate from personnel records to ensure confidentiality. Beginning January 1, 2027, employers must also use 23 detailed occupational categories, such as executives, managers, educators, healthcare, construction, production, and transportation, instead of the current 10 broad federal groupings. Courts must impose penalties when the CRD requests them: $100 per employee for the first failure to file and $200 per employee for each subsequent failure. Labor contractors who withhold necessary data also face penalties.

Employers with 100 or more employees must, beginning January 1, 2027, map positions to the new 23-category framework, keep demographic reporting data separate from personnel files, and prepare for mandatory penalties if they miss a filing.

(SB 464 amends section 12999 and adds section 12999.1 to the Government Code.)

SB 477 – California Civil Rights Department Enforcement Procedures.

The Civil Rights Department (CRD) enforces the California Fair Employment and Housing Act (FEHA), which prohibits employment and housing discrimination based on protected characteristics. CRD investigates complaints, pursues enforcement actions, and seeks to eliminate unlawful practices.

Effective January 1, 2026, SB 477 clarifies FEHA's enforcement procedures regarding complaint processing, deadlines, and right-to-sue provisions. SB 477 provides a statutory definition for the term "group or class complaint", which means a complaint that alleges a pattern or practice of discrimination. SB 477 notes that the definition is declaratory and reflects existing law.

SB 477 clarifies that the CRD's deadline to issue a right-to-sue notice shall be no later than one year for an individual complaint and two years for a group or class complaint.

SB 477 directs CRD to issue a right-to-sue notice to a complainant whose complaint relates to a complaint filed in the name of the director or a group or class complaint upon request by the person claiming to be aggrieved or, if the person claiming to be aggrieved does not request such notice, after the complaint has been fully and finally disposed of and all related proceedings, actions and appeals conclude.

SB 477 tolls (pauses) the time to file a civil action when a complainant timely appeals the closure of a complaint by CRD, signs a written agreement with CRD, or CRD extends the complaint investigation period due to a petition to compel cooperation.

(SB 477 amends Sections 12926, 12960, 12965, and 12981 of the Government Code.)

SB 513 – Personnel Records Related to Education and Training.

The Labor Code grants current and former employees, or their representative, the right to inspect and receive a copy of personnel records maintained by an employer relating to the employee's performance and to records regarding any grievance concerning the employee. Existing law requires the employer to make the contents of those personnel records available for inspection, as specified, and makes it a crime for an employer to violate these requirements.

SB 513 adds any records maintained by the employer that relate to employee education and training to the type of personnel records subject to inspection. SB 513 requires that an employer that maintains such education and training records ensure those records include: (1) the name of the employee; (2) the name of the training provider; (3) the duration and date of the training; (4) the core competencies of the training, including skills in equipment or software; and (5) the resulting certification or qualification.

(SB 513 amends Section 1198.5 of the Labor Code.)

SB 590 – Leave for Designated Persons Under Paid Family Leave.

The Unemployment Insurance Code established the Paid Family Leave Program that provides for wage replacement benefits for up to eight weeks for workers who take time off work for prescribed purposes, including to care for a seriously ill family member.

Effective July 1, 2028, SB 590 expands eligibility for benefits under the Paid Family Leave Program to include individuals who take time off work to care for a "designated person" who is seriously ill. SB 590 defines designated person to mean any care recipient related by blood or whose association with the individual is the equivalent of a family relationship, and makes conforming changes to the definitions of the terms "family care leave" and "family member."

SB 590 requires an individual who requests benefits pursuant to the Paid Family Leave Program to care for a designated person for the first time to identify the designated person and, under penalty of perjury,

attest to how the individual is related by blood to the designated person, or how the individual's association with the designated person is the equivalent of a family relationship.

(SB 590 amends Sections 3301, 3302, and 3303 of the Unemployment Insurance Code.)

SB 617 – California Worker Adjustment and Retraining Act Notice Requirements.

The California Worker Adjustment and Retraining Act (Cal/WARN Act) prohibits employers from ordering a mass layoff, relocation, or termination at a covered establishment without providing 60 days' written notice to affected employees, the Employment Development Department (EDD), and local government officials and workforce agencies.

SB 617 revises employers' notice requirements under the Cal/WARN Act. Employers will be required to state in the notice whether they plan to coordinate services, such as rapid response orientations through a local workforce development board, another entity, or no entity. SB 617 requires that the notice include a working email address and phone number for the local workforce development board and the following description of local rapid response services offered by the local workforce development board:

> "Local Workforce Development Boards and their partners help laid-off workers find new jobs. Visit an America's Job Center of California location near you. You can get help with your resume, practice interviewing, search for jobs, and more. You can also learn about training programs to help start a new career."

If an employer chooses to coordinate services with the local workforce development board or another entity, the employer must arrange such services within 30 days of issuing the notice.

SB 617 also requires employers to include in the notice a description of the CalFresh program, the CalFresh benefits helpline, and a link to the CalFresh website.

SB 617 also requires employers to include in the notice a functioning email address and telephone number for the employer.

(SB 617 amends Section 1401 of the Labor Code.)

SB 642 – Pay Scale and Wage Ranges.

The Labor Code requires employers to provide applicants, upon request, a pay scale or range of wages the employer reasonably expects to pay for a position and to include that information in job postings if the employer employs more than 15 employees. The Labor Code also prohibits employers from paying employees at rates less than those paid to employees of the opposite sex or of another race or ethnicity for substantially similar work, except under specific circumstances.

Effective January 1, 2026, SB 642 updates the definition of "pay scale" to mean "a good-faith estimate of the expected salary or hourly wage range that an employer reasonably expects to pay for a position upon hire." Employers must continue to include the pay scale in job postings.

SB 642 also replaces the phrase "opposite sex" with "another sex," clarifying that the law applies across all gender comparisons.

SB 642 extends the statute of limitations for filing a civil action for alleged violations from two to three years after the last date the cause of action occurs, allowing employees to seek relief for the entire period of a violation, up to six years. SB 642 specifies that a cause of action occurs under the following circumstances: (1) when an alleged unlawful compensation decision or practice is adopted; (2) when an individual becomes subject to the decision or practice; or (3) when an individual is affected by the application of the decision or practice.

(SB 642 amends Sections 432.3 and 1197.5 of the Labor Code.)

SB 652 – Security Guard Training.

Existing law, the Private Security Services Act, prohibits a licensed private patrol operator from allowing an employee to perform the functions of a security guard without confirming that the employee holds a current and valid security guard registration. Existing law further requires each applicant for a security guard registration to complete training on the power to arrest and the appropriate use of force.

SB 652 now requires that this training be administered and certified by a single course provider and that it be completed within six months prior to submission of the application to the Bureau of Security and Investigative Services. SB 652 also provides that a licensed private patrol operator may only administer, test, and certify this training for its own applicants or employees.

(SB 652 amends Sections 7583.6 and 7583.10 of the Business and Professions Code.)

SB 809 – Employment Status and Reimbursement Rules for Vehicle Use.

Courts apply the three-part "ABC" Test to determine whether a worker qualifies as an employee or an independent contractor in matters concerning wages and benefits. Under this test, a court evaluates whether the worker: (1) operates independently of the hiring entity's control; (2) performs work outside the usual course of the hiring entity's business; and (3) engages in an independently established trade, occupation, or business.

Additionally, the Labor Code requires employers to reimburse employees, but not independent contractors, for necessary expenditures incurred in the course of employment.

SB 809 clarifies that existing law does not consider ownership of a vehicle used to perform labor or services for compensation, whether personal or commercial, as determinative of a worker's status as an independent contractor.

SB 809 further clarifies that the Labor Code provision requiring employers to reimburse employees for necessary work-related expenditures includes costs associated with the use of personal and commercial vehicles. In the context of construction trucking, SB 809 requires employers to reimburse employees who are commercial drivers and who own their trucks, tractors, or trailers for expenses related to use, maintenance, and depreciation.

Employers and employees who drive personal and commercial vehicles, or the labor union that represents such employees, must negotiate reimbursement rates. Such reimbursement rate may be established as either a flat rate or per-mile rate, but not less than either the actual expenses incurred by the employee or the standard mileage rate set by the Internal Revenue Service.

(SB 809 adds Sections 2750.9, 2775.5, and 2802.2 to the Labor Code.)

HEALTH CARE ACTIVITIES

AB 82 – Protections for Providers and Patients Engaged in Legally Protected Health Care Activities.

Under existing law, the California Secretary of State administers an address confidentiality program that shields the residential addresses of reproductive health care participants from public records and allows them to use substitute mailing addresses.

Existing law prohibits knowingly publicly posting the personal information or image of any reproductive health care provider, patient, assistant, or other individuals residing at the same home address, with the intent to incite a third person to cause imminent great bodily harm to the person identified or to commit a crime involving violence or a threat of violence against the person identified. Existing law additionally prohibits soliciting, selling, or trading on the internet or social media, the personal information or image of such individuals.

Effective January 1, 2026, AB 82 expands these protections to include gender-affirming health care providers, employees, volunteers, and patients who face threats like those above because of their affiliation with a gender-affirming health care services facility.

AB 82 prohibits pharmacies, clinics, and prescribers from reporting or retaining prescription information for testosterone or mifepristone in the Controlled Substance Utilization Review and Evaluation System (CURES) and requires the State Department of Justice to delete existing records of these prescriptions by January 1, 2027. AB 82 prohibits California agencies and officials from sharing with out-of-state entities CURES data that would reveal the identity of the customers using those services, unless the legal process or law enforcement agency includes an affidavit or declaration stating that the information requested is not in connection with an out-of-state proceeding relating to any legally protected health care activity or other requirements are satisfied.

AB 82 further updates criminal and judicial procedures to extend existing reproductive health services safeguards to all "legally protected health care activities" in the State, including gender-affirming care.

AB 82 prohibits courts and law enforcement agencies from cooperating with out-of-state investigations targeting such activities, and bail schedules must set $0 bail for individuals arrested in connection with another state's proceedings against providers or patients engaged in legally protected care in California. AB 82 also authorizes the Attorney General to impose a $15,000 civil penalty for false affidavits related to out-of-state legal or law enforcement requests.

(AB 82 amends Sections 6215, 6215.1, 6215.2, 6218, 6218.01, and 6219.05 of the Government Code, Sections 11165 and 11190 of the Health and Safety Code, and Sections 629.51, 1269b, 13778.2, and 13778.3 of the Penal Code.)

SB 497 — Medical Information About Legally Protected Health Care Activity.

Existing law restricts the disclosure of medical information and regulates the issuance of subpoenas

related to gender-affirming health care and other sensitive services. It also establishes the Controlled Substance Utilization Review and Evaluation System (CURES) to monitor controlled substance prescriptions.

Similar to AB 82, SB 497 prohibits a health care provider, health care service plan, contractor, or employer from releasing or disclosing medical information about an individual seeking or obtaining gender-affirming health care or gender-affirming mental health care in response to a foreign or out-of-state subpoena or request based on another state's law that conflicts with California law. SB 497 prohibits those entities from cooperating with or providing medical information to an out-of-state or federal agency if the requested information would identify an individual in connection with gender-affirming health care that is lawful in California. SB 497 applies similar restrictions to subpoenas or requests for information related to sensitive services, as defined in the Insurance Code.

SB 497 amends procedures for issuing subpoenas in California to prohibit attorneys and courts from recognizing or enforcing foreign subpoenas that are based on another state's law penalizing a person for providing, seeking, or obtaining gender-affirming health care.

SB 497 also prohibits state or local agencies and their employees or contractors from providing CURES data or using public resources to assist any out-of-state investigation or proceeding that seeks to impose civil, criminal, or disciplinary liability under another state's law for legally protected health care activity. The Department of Justice may share CURES data with out-of-state law enforcement only when presented with a valid warrant, subpoena, or court order. Unauthorized access to or disclosure of CURES data constitutes a misdemeanor.

SB 497 coordinates with AB 82 concerning amendments to the Health and Safety Code made by both bills.

SB 497 took effect immediately on October 13, 2025, as urgency legislation.

(SB 497 amends Sections 56.109 of the Civil Code, Sections 2029.300 and 2029.350 of the Code of Civil Procedure, Section 11165 of the Health and Safety Code, and Section 1326 of the Penal Code.)

YOUTH ORGANIZATIONS & YOUTH SPORTS

AB 310 – Updates the Nevaeh Youth Sports Safety Act.

Existing law, the Nevaeh Youth Sports Safety Act, requires youth sports organizations to ensure athletes have access to an automated external defibrillator (AED) during any official practice or match beginning on January 1, 2027. Existing law also requires that, if an AED is administered during an applicable medical circumstance, it must be administered by a medical professional, coach, or other person designated by the youth sports organization, who holds AED certification and who complies with any other qualifications required pursuant to federal and state law applicable to the use of an AED.

AB 310 delays the requirement that athletes have access to an AED until January 1, 2028, and removes the requirement that a medical professional administer the AED. AB 310 adds a requirement that, beginning January 1, 2027, youth sports organizations must ensure that their coaches are certified to perform cardiopulmonary resuscitation (CPR) and operate an AED, with recertification required every two years.

AB 310 also adds a requirement that youth sports organizations adopt and annually review a written cardiac emergency response plan that details all of the following: (1) AED locations; (2) procedures to be followed in the event of a sudden cardiac arrest; (3) the responsibility of the coach, administration, and athletes during the event; (4) how the coach, administration, and athletes will be notified and trained on the emergency response plan; and (5) an annual electronic communication to the parents/guardians of enrolled participants that includes the emergency response plan or an internet link to it, AED locations, and identification of which staff members are designated to be notified if there is a sudden cardiac event.

Finally, AB 310 requires that, starting January 1, 2028, youth sports organizations ensure that their AEDs are maintained and tested in accordance with manufacturer guidelines, as well as the applicable rules and regulations of the Food and Drug Administration or any other applicable state or federal authority.

(AB 310 amends section 124238.5 of the Health and Safety Code.)

AB 487 – Blanket Insurance Coverage Expanded to Volunteers.

Existing law allows colleges, schools, and other institutions of learning, as well as sports teams, camps,

and similar organizations, to issue "blanket insurance" policies that cover all or nearly all persons within a defined class under a single master policy. These policies may insure students, teachers, employees, team participants, campers, officials, supervisors, and persons responsible for their support. Coverage typically includes benefits for accidental death or dismemberment and for hospital, medical, surgical, or nursing expenses resulting from accident or sickness.

AB 487 expands this authority by permitting blanket insurance policies to also cover volunteers. As a result, schools, sports teams, and camps may now include volunteers in their group policies, extending the same protections that already apply to students, staff, and participants.

(AB 487 amends Section 10270.2 of the Insurance Code.)

TECHNOLOGY

AB 316 – Defendant in a Civil Lawsuit Cannot Shift Liability to AI.

AB 316 provides that in a civil lawsuit, a defendant who developed, modified, or used artificial intelligence (AI) that is alleged to have caused harm to the plaintiff cannot assert as a defense that the AI autonomously caused the harm to the plaintiff. In other words, the bill establishes that it is the user of AI, not the technology itself, that may be liable under civil law for harm that results from AI. Employers may therefore be liable for discrimination or other harms that a plaintiff employee or applicant alleges were the result of an AI tool.

The bill defines AI as an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

(AB 316 adds Section 1714.46 to the Civil Code.)

SB 446 – Requires Disclosure of Data Breaches to Consumers within 30 Days.

Existing law requires an individual or a business that owns or licenses computerized data, including personal information, to disclose a breach of the security of the system to any California resident whose unencrypted personal information was compromised. SB 446 requires that this disclosure be made within 30 calendar days of discovery or notification of the data breach; however, SB 446 allows delay of disclosure to accommodate the legitimate needs of law enforcement or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

Existing law also requires that, if an individual or business must issue a disclosure to more than 500 California residents as a result of a single breach, it must submit a sample disclosure to the Attorney General (AG). SB 446 requires that this submission to the AG be made within 15 calendar days of notifying affected consumers.

(SB 446 amends Section 1798.82 of the Civil Code.)

MISCELLANEOUS

AB 250 – Expands Revival Window for Certain Sexual Assault Claims.

Under existing law, a plaintiff may seek damages for sexual assault that occurred on or after the plaintiff's 18th birthday if one or more entities are legally responsible for damages and the entity or its agents engaged in a cover-up, as defined. This law revives claims that would otherwise have been time-barred before January 1, 2023. A plaintiff may proceed with an action if the claim was already pending in court on January 1, 2023, or if the plaintiff filed the action between January 1, 2023, and December 31, 2023.

AB 250 extends and expands this revival process. The bill permits plaintiffs to bring claims that would otherwise be barred before January 1, 2026, and allows those claims to move forward if they are already pending on January 1, 2026, or if they are filed between January 1, 2026, and December 31, 2027. A revived claim must allege that the plaintiff was sexually assaulted and that one or more entities or persons, including the perpetrator, are legally responsible for damages, as well as that an entity or its representatives engaged in or attempted a cover-up of a previous instance or allegation of sexual assault by the perpetrator.

The bill also revives claims directly against perpetrators of sexual assault when plaintiffs allege that entities or individuals are legally responsible for damages. It clarifies that failure to allege a cover-up against one entity does not prevent revival of claims against another entity or against the perpetrator. For purposes of this law, a "cover-up" means a concerted effort to hide evidence of sexual assault, including through nondisclosure or confidentiality agreements. An "entity" includes businesses and organizations, but not public entities. Public entities remain exempt, and the bill specifies that no public entity has a duty to indemnify perpetrators or other persons under revived claims.

In practice, AB 250 gives survivors an additional two-year window, from January 1, 2026, through December 31, 2027, to pursue civil claims that would otherwise be

time-barred. The revival applies to claims against perpetrators and private entities that may have engaged in cover-ups, while excluding public entities from liability.

(AB 250 amends Code of Civil Procedure Section 340.16.)

SB 440 – Establishes a Claim Resolution Process for Private Works.

SB 440 establishes a claim resolution process for claims by a contractor or subcontractor related to work of improvement or site improvement. This resolution process can be used until January 1, 2030, for contracts entered into on or after January 1, 2026.

For purposes of SB 440, a claim is a written demand by a contractor or subcontractor for one or more of the following: (1) a time extension; (2) payment by the owner of money or damages that is not expressly provided for but that arises from work done by the contractor pursuant to the contract; or (3) payment by the owner of a disputed amount. An owner is the owner of the building, improvement, or structure to be constructed, altered, or repaired; an owner does not include a public agency.

The resolution process outlined by SB 440 first involves the owner reviewing the claim. If the owner disputes portions of the claim, then the contractor or subcontractor may demand an informal conference. If disputed portions of the claim remain after the informal conference, then that portion of the claim must be submitted to nonbinding mediation. Finally, if the mediation is unsuccessful, then the disputed portion of the claim will be subject to any dispute resolution procedures included in the contract between the parties or by final judgment if no such procedures exist.

(SB 414 adds Article 4 (commencing with Section 8850) to Chapter 8 of Title 2 of Part 6 of Division 4 of the Civil Code.)