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Golden State Report

Legislative Update

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Dates to Remember:

- Oct 9—Last Day for Governor to Sign or Veto Bills
- Nov 8—Special Election
- Dec 25—Christmas
- Jan 1—Statutes Take Effect
- Jan 4—Legislature Reconvenes

LEGISLATIVE UPDATE

Vetoed Bills:



Governor Schwarzenegger has been working his way through the bills the Legislature passed and sent to him as of its adjournment on September 8th. As of today, the Governor has 244 more bills to act on before midnight on Saturday night.

The Governor has vetoed a majority of the bills identified as “job killers”. Following is a list of the bills of interest to retailers that have been vetoed so far. CRA was opposed to all of these bills.

AB 48, Lieber: Increases minimum wage of \$6.75 to \$7.25 as of 7/06 and \$7.75 as of 7/07, and index the rate to the California CPI.

AB 169, Oropeza: Increases the damages an employee may obtain if prevailing in a gender equity complaint, to add “an amount equal to double the balance of wages”.

AB 391, Koretz: Permits locked-out workers to receive unemployment benefits as of 2007.

AB 755, De La Torre: Provides that an employee working on a piece-rate basis who suffers injury as a result of failure of an employer to pay required wages for rest periods is entitled to recover unpaid aver-

age piece-rate wages for each rest period.

AB 816, Lieber: Requires all suppliers, manufacturers, distributors involved in the sale of toxic chemicals to report their customers’ names and addresses to the State.

AB 875, Koretz: Requires establishment of standards that will trigger an audit and investigation of violations of employee wages, hours and working conditions.

AB 1310, Nunez: Prohibits employers from offering cash or other value to an employee in return for voluntary resignation unless permits 21 days to reconsider and provides disclosures about financial consequences of the resignation. Exempts public agencies and employers with less than 500 employees.

SB 174, Dunn: Private right of action/class action for minimum wage violations. Status: Vetoed. Position: **Oppose.**

SB 848, Dunn: Permits port owner-operator drivers to unionize. .

SB 1023, Dunn: Re workers comp, obligates an employer to pay a final Award or Order Approving a C&R within 10 days.

Signed Bills:

The Governor has signed the following bills into law; unless otherwise specified, the bills will take ef-



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fect January 1, 2006.

AB 306, Koretz: Permits military reserve and National Guard personnel to delay mortgage and credit card and installment payments until 30 days after active duty is completed or 180 days, whichever is less.

AB 764, Calderon: Authorizes acceptance of military IDs as sufficient proof of age for alcoholic beverage sales.

AB 911, Chu: Includes FTB's minor tax amnesty clean-up proposals approved by the Board in March, including netting.

AB 1093, Matthews: Provides that an employer may deposit wages in any bank, S&L, or credit union of the employee's choice that has a place of business in the State; provides that if an employee quits or is discharged, unpaid wages may be paid by depositing into an account authorized by the employee.

AB 1489, Calderon: Permits use of tactile overlays for POS screens, to be in compliance with the access for visually impaired law.

SB 14, Campbell: Bill to repair tax amnesty legislation. Precludes penalty from being imposed for underpayments if the underpayment was created or increased by a change in law.

SB 45, Alarcon: Prohibits a marine terminal from imposing per diem, detention or demurrage charges on a truck carrier.

SB 118, Chesbro: Permits retail licensees in other States to ship wine into California only where a reciprocal shipping privilege exists, and capped at two cases of wine per adult resident in California; wholesalers proposal to limit the proposed "California wine shipper's license" to wineries.

SB 644, Ortiz: Permits pharmacist to refuse to fill a prescription on religious or moral grounds, but only if the employee has notified the employer and the request can be reasonably accommodated.

SB 802, Simitian: Prohibits debit cards from having more than the last 5 digits of the account number printed on the customer's receipt.

SCR 49, Speier: Creates panel, with CRA representative, to study the cause of medication errors and recommend changes in the health care system that would reduce errors associated with the delivery of prescription and over-the-counter medication to consumers.

UTILIZATION REVIEW STANDARDS REGULATIONS APPROVED

Permanent adoption of the workers' compensation utilization review standards has been approved by the state Office of Administrative Law. The permanent regulations have been filed with the Secretary of State and became effective Sept. 22, 2005. The regulations as filed with the Secretary of State can be found on the Division of Workers' Compensation website at: <http://www.dir.ca.gov/dwc/DWCPropRegs/UREmerRegs.htm>.

SAN FERNANDO SMALL BUSINESS FAIR, NOVEMBER 3rd

The California Board of Equalization has announced that they will be hosting the San Fernando Small Business Fair on Thursday, November 3rd, 2005, at the Holiday Inn, 150 E. Angelino Avenue, in Burbank, CA.



The event will be from 8:30 a.m. until 3:30 p.m. The event is free. There will be 38 government and non-profit agencies present with information booths. There will also be 30 different workshops available. One of the workshops will have the major taxing agencies discuss conducting business on the Internet. Taxpayer Rights Advocates will also be on hand to help resolve any tax problems. For further information, please contact Richard Selle, (818) 904-2341 or access "Free Seminars" at www.boe.ca.gov.

NEW REQUIREMENTS FOR RETAIL FOOD FACILITIES IN SAN MATEO COUNTY

Effective September 15, 2005 it will be mandatory for food facilities in San Mateo County to post the most recent routine inspection report in a location that is clearly visible and available for review by the general public and patrons entering your establishment.

Additionally, mandatory food safety education may be required of all employees of a retail food facility when the County Health Officer, during an administrative hearing

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determines that:

- Repeated violation of critical factors affecting food safety, as defined in California Uniform Retail Food Facilities Law (CURFFL) Section 113946, or
- The owner or employee with the Food Safety Certification has failed to ensure that all employees who handle unpackaged food have sufficient knowledge and understanding of how to safely prepare and serve food.



A copy of the revised county ordinance is available from CRA, upon request.

2006 WE CARD MATERIALS AVAILABLE

As you may know, the *We Card* program now provides its materials to retailers at a nominal cost to pay for processing the order, producing the items and shipping them out across the country. Or, online at www.wecard.org, retailers and trade associations can download nearly every item *We Card* has created at no charge—from the point-of-sale signage to the in-store training materials. Retailers can utilize the free online training module on the website or send their employees to one of the many free *We Card* classroom training sessions held throughout the year.

**Under 18
No Tobacco**

**We
Card**

STATE LAW PROHIBITS THE SALE OF TOBACCO TO MINORS.

**Time to order your 2006
We Card materials!**

*We Card
materials are
now available for a
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Need a calendar? Training materials?

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An unsavory addition to kids' lunchboxes: lead

High levels of the toxic mineral have been found in some products made of soft vinyl

Along with peanut butter and jelly sandwiches and juice boxes, some schoolchildren may be carrying something unexpected—and potentially hazardous—in their lunchboxes this fall.

A study by an Oakland-based environmental group found harmful levels of lead in some lunchboxes made of soft vinyl. The Center for Environmental Health filed lawsuits late last month against several lunchbox manufacturers and various retailers who sell the products.

The environmental group found that 27 lunchboxes—one-quarter of the products tested—had high levels of lead when tested with an at-home detection kit. The group then sent those 27 products to an independent laboratory for more rigorous testing; the study found that 17 of the lunchboxes contained lead in excess of federal safety standards.

One lunchbox, made by Targus Group International Inc. and featuring the children's character Angela Anaconda, was found to contain more than 90 times the legal limit for lead in paint in children's products. The Center for Environmental Health has advised parents to avoid vinyl lunchboxes or to purchase a home test kit to check for lead. Such kits sell for about \$3 and can be found on the Internet and in hardware stores.



Michael V. Ward, vice president and general counsel for Targus, said last week that the Anaheim-based company had only recently become aware of the potential hazard and was checking with its supplier to determine if the product was tested for lead.

"I'm not certain it does or doesn't contain lead, Ward said of the lunchboxes.

Lara Cushing, research director for the Center for Environmental Health, said the study found the lead was not contained within the vinyl material itself but rather on the surface of the lunchboxes.

"It's not bound up in the plastic," she said. "It's sloughing off. It can come off on your hand. It can rub off on your food."

The Oakland environmental group in recent years has reported on studies that found unsafe levels of lead in some imported Mexican candies and in children's jewelry. The private, non-profit group specializes in identifying hazardous sources of lead in the environment.

Lead is considered unsafe at any level. Even small amounts can build up in the body and cause lifelong problems, according to the California Childhood Lead Poisoning Prevention Branch.

Fetuses and children younger than six are at greatest risk for lead

poisoning because their brains and nervous systems are still forming.

Lead poisoning can result in anemia and problems in learning and behavior. Very high levels can damage the nervous system, kidneys and major organs and can even result in seizures or death. Children with very high levels require treatments to remove the lead. For children with lower levels, authorities recommend finding the source of the lead and removing it to prevent further exposure.

"The more we study lead, the more effects we find at smaller and smaller doses," said Dr. Herbert L. Needleman, a professor of psychiatry and pediatrics at the University of Pittsburgh.

The major sources of lead poisoning in the United States have been lead-based paint, which was restricted in 1978, and leaded gasoline, which was phased out in the early 1990's. However, lead is still found in paint manufactured before 1978; in soil and dust (particularly next to busy roads or factories); in some imported or handmade pottery and tableware; and in imported home remedies and cosmetics.

Last year California's attorney general sued dozens of companies that make or sell imported candies containing lead. Manufacturers looking for low-cost materials may either knowingly or inadvertently use products that contain hazardous amounts of accessible lead, said Dr. Bruce P. Lanphear, a professor of pediatrics at Cincinnati Children's Hospital Medical Center. Typically, testing for lead requires an extra step in the manufacturing process that some companies may choose to skip.

"It's to be expected, depending on how vigilant we are, that lead from a variety of sources would creep into other products," said Lanphear.

Officials for the Consumer Product Safety Commission said last week that the agency was investigating the Center for Environmental Health's findings on lead in lunchboxes. A spokesperson for the California Department of Health Services also said the agency was aware of the lunchbox study and is looking into the findings.

Other lunchboxes found high in lead featured characters such as Superman, Tweety Bird, the Powerpuff Girls and Hamtaro. The Center for Environmental Health has displayed photos of the lunchboxes on its website, www.cehca.org.

