

AMENDED IN ASSEMBLY MARCH 10, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 596

Introduced by Assembly Member McKinnor

February 13, 2025

An act to add Section 6403.7 to the Labor Code, relating to occupational safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 596, as amended, McKinnor. Occupational safety: face coverings.

Existing law established and requires the Division of Occupational Safety and Health within the Department of Industrial Relations to enforce all occupational safety and health standards, as specified. Existing law establishes the Occupational Safety and Health Standards Board within the department to promulgate and enforce occupational safety and health standards for the state. A violation of these standards and regulations under specific circumstances is a crime.

Until February 3, 2025, existing regulations promulgated by the board, in all areas of employment except as specified, prohibit an employer from preventing any employee from wearing a face covering, including a respirator, as specified, unless it would create a safety hazard. Existing regulations define various terms for purposes of this prohibition.

This bill would ~~codify the regulations adopted by the board to prohibit~~ an employer from preventing any employee from wearing a face covering, including a respirator, unless it would create a safety ~~hazard~~, ~~and would apply the bill's provisions to all places of employment, except as specified, including work locations with one employee who does not have contact with other persons.~~ *hazard*. Consistent with the

above-referenced regulations, the bill would define terms for purposes of these provisions.

Because a violation of the above-described prohibition constitutes a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6403.7 is added to the Labor Code,
2 immediately following Section 6403.5, to read:

3 6403.7. (a) For purposes of this section, the following
4 definitions apply:

5 (1) "Face covering" means a surgical mask, a medical procedure
6 mask, a respirator worn voluntarily, or a tightly woven fabric or
7 nonwoven material of at least two layers that completely covers
8 the nose and mouth and is secured to the head with ties, ear loops,
9 or elastic bands that go behind the head. If gaiters are worn, they
10 shall have two layers of fabric or be folded to make two layers. A
11 face covering is a solid piece of material without slits, visible holes,
12 or punctures that fits snugly over the nose, mouth, and chin with
13 no large gaps on the outside of the face.

14 (A) "Face covering" includes clear face coverings or cloth face
15 coverings with a clear plastic panel that otherwise meet this
16 definition and which may be used to facilitate communication with
17 people who are deaf or hard of hearing or others who need to see
18 a speaker's mouth or facial expressions to understand speech or
19 sign language respectively.

20 (B) "Face covering" does not include a scarf, ski mask,
21 balaclava, bandana, turtleneck, collar, or single layer of fabric.

22 (2) "Respirator" means a respiratory protection device approved
23 by the National Institute for Occupational Safety and Health to
24 protect the wearer from particulate matter, including, but not
25 limited to, an N95 filtering facepiece respirator.

1 (b) ~~(1)~~—An employer shall not prevent any employee from
2 wearing a face covering, including a respirator, unless it would
3 create a safety hazard.

4 ~~(2) This subdivision shall apply to all places of employment,~~
5 ~~except for the following:~~

6 ~~(A) Work locations with one employee who does not have~~
7 ~~contact with other persons.~~

8 ~~(B) Employees working from home.~~

9 ~~(C) Employees with occupational exposure as defined by Section~~
10 ~~5199 of Title 8 of the California Code of Regulations, when~~
11 ~~covered by that section.~~

12 ~~(D) Employees teleworking from a location of the employee's~~
13 ~~choice, which is not under the control of the employer.~~

14 (c) This section shall not limit more protective or stringent local
15 health department orders or guidance.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.