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NEW LAWS FOR THE NEW YEAR  
(Part One)

Again, we thank the Daily Journal for printing a compendium of statutes adopted during 2021. As in the past, this newsletter references only a fraction of new legislation which may be of interest to the current clients of our practice.

1. Covid

a. Companies must notify public health agencies of defined outbreaks.

b. So-called "surprise billing" for tests and vaccinations is now prohibited.

c. During a pandemic, permitted facilities may prepare and serve food as a temporary satellite service without obtaining a separate permit.

d. Vaccines and point-of-care tests may now be administered by dentists, podiatrists, optometrists, nurses, and other defined professionals.

e. Moratoriums on evictions for nonpayment of rent due to Covid hardship have been extended as have certain programs of rental assistance to affected individuals.

f. Hospitality workers laid off for Covid reasons have certain rights to be rehired.

g. Testing is covered in full by health plans and insurers.

h. It is now illegal to harass people entering a vaccination clinic. [NOTE: The law may be challenged as a violation of First Amendment rights].

i. Public workers' Covid infections are rebuttably presumed to be employment-related.

2. Employment

a. Lawsuits and current worker claims cannot be settled using agreements which prevent disclosure of information regarding sexual assault or harassment, discrimination, retaliation, or certain other claims.

b. Non-disparagement provisions in employment or separation contracts are prohibited.

c. Wrongfully withholding wages or tips from workers is now a felony. For this purpose, independent contractors are considered employees.

d. Workplace posters required to inform workers of legal rights can now be delivered electronically.

e. Food delivery platforms must pay delivery workers all tips and cannot charge higher prices than posted on their websites.

f. State minimum wage is now \$15 hourly for companies of 26 or more workers, and \$14 for smaller entities. Salaried workers must receive \$62,400 annually or \$58,240 at smaller companies. Municipalities may have higher minimums.

g. Wage theft can be prosecuted as a misdemeanor or felony.

3. Education

a. A course in ethnic studies is now a graduation requirement in California schools.

b. Public colleges and high schools must now provide free menstrual products on campus.

c. Career fairs must invite apprenticeship programs.

d. State college savings plans may be applied to registered apprenticeship programs or to repay student loans.

e. Pupils must be excused from school to attend cultural ceremonies.

f. Fees at state colleges are waived for spouses and dependents of first responders and healthcare providers who die from Covid while employed to render medical services.

g. College student athletes may accept compensation for the use of their athletic reputations, names, images, or likenesses.

h. Each year public school students shall observe a moment of silence to commemorate "September 11 Remembrance Day".

i. Certain schools which host events near swimming pools must provide a CPR-certified adult in attendance during such events.

#### 4. Gender

a. Large retail stores must contain "gender neutral" displays for children's toys whether or not there are separate sections for boys and girls.

b. Beginning next year there will be a process for one to change their marriage licenses or children's birth certificates to reflect one's change of gender.

c. Death certificates may identify a decedent's gender as "non-binary".

#### 5. Alcohol

a. At licensee disciplinary hearings for providing alcohol to minors, no minor need testify.

b. A licensed brandy manufacturer may operate two offsite testing rooms under one certificate.

c. "On site" licensees may sell spirits for "off-site" consumption in manufactures' containers delivered to a consumer.

d. A licensed winegrower may sell its products in containers furnished by customers at the grower's tasting room.

#### 6. Horses

a. The Racing Board must post its votes on the Internet and

obtain fingerprint images from prospective or current employees.

b. Helmets and reflective gear are required for minors riding equestrian animals.

7. Housing

a. A new law creates a streamlined process to divide residential lots to add second units or convert to duplexes. Regulations also allow more square footage per lot.

b. Certain private building limits are unenforceable against projects deemed 100% affordable.

c. Cities or counties may adopt zoning laws allowing up to ten (10) units of residential density in "transit rich" areas.

d. Substantial fines may be imposed for safety violations in short-term rentals.

8. Marijuana

a. Manufacturers of industrial hemp are now required to register as food processors.

b. The statute of limitations for civil actions for unlicensed cannabis activities is extended to three years.

c. Aiding or abetting an unlicensed commercial cannabis activity can result in civil penalties up to \$30,000 a day.

d. Cannabis beverages can now be packaged in clear or colored glass containers.

e. Terminally ill patients may be administered medical cannabis.

9. Funerals

a. There is now a process for escheating unclaimed pre-need funeral deposits under certain circumstances.

b. A minimum dollar amount must be deposited into an endowment care trust fund by a California cemetery.

10. Privacy

a. Genetic information must now be protected from disclosure by businesses just as with other personal information.

b. It is a breach of privacy to use or purchase data obtained through a criminal act.

c. State agencies must stop sending mail bearing more than the last four digits of an individual's social security number.

This practice serves as a "lawyer of first resort", or "primary care attorney," advocating for small businesses and individuals with disputes and transactions, including accident victims by referral only. We specialize in personalized client service. If we can be of any assistance with your legal issues, consider contacting us as soon as a question is identified. Your recent referrals have been greatly appreciated.

Remember: As always, preventative lawyering is the most effective kind.

Sincerely yours,



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