

AMENDED IN SENATE MARCH 24, 2025

SENATE BILL

No. 747

Introduced by Senator Wiener

February 21, 2025

~~An act to amend Section 17570 of the Business and Professions Code, relating to vending machines. An act to add Section 1197.6 to the Labor Code, relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 747, as amended, Wiener. ~~Vending machines.~~ Wages: behavioral health and medical-surgical employees.

Existing law establishes the Department of Industrial Relations within the Labor and Workforce Development Agency and sets forth the functions of the department, which include, among others, fostering, promoting, and developing the welfare of the wage earners of California and improving their working conditions. Existing law establishes within the department the Division of Labor Standards Enforcement, headed by the Labor Commissioner, for the purposes of enforcing labor laws.

Existing law prohibits an employer from paying any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, unless the employer demonstrates that one or more specific factors, reasonably applied, account for the entire wage differential. Existing law also similarly prohibits an employer from paying any of its employees at wage rates less than the rates paid to employees of another race or ethnicity for substantially similar work. Under existing law, a violation of the laws relating to payment of wages, hours, and working conditions is a misdemeanor.

This bill would require a covered employer, as defined, to report to the department the compensation it provides to behavioral health employees and to medical-surgical employees. The bill would authorize the department, if it does not receive a report from a covered employer pursuant to these provisions, to seek an order requiring the employer to comply with the requirement and would entitle the department to recover the costs associated with seeking the order. The bill would authorize a court, upon request by the department, to impose a civil penalty, as prescribed, and would specify that a violation of the above-described reporting requirement does not constitute a misdemeanor.

~~Existing law requires a person who owns a vending machine to affix to the machine their name and address, as specified. If the person owns more than one vending machine located at the same place, existing law instead authorizes the person to post a clearly readable sign containing their name and address in a conspicuous location near the machines.~~

~~This bill would authorize a person to post their telephone number, email address, or both, on the machine or in a conspicuous location, as may be appropriate.~~

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

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

- 1 SECTION 1. Section 1197.6 is added to the Labor Code, to
- 2 read:
- 3 1197.6. (a) A covered employer shall report to the Department
- 4 of Industrial Relations the compensation it provides to behavioral
- 5 health employees and to medical-surgical employees.
- 6 (b) (1) If the department does not receive a report from a
- 7 covered employer as required by this section, the department may
- 8 seek an order requiring the employer to comply with this section
- 9 and shall be entitled to recover the costs associated with seeking
- 10 the order.
- 11 (2) Upon request by the department, a court may impose a civil
- 12 penalty not to exceed one hundred dollars (\$100) per employee
- 13 upon any employer in violation of this section and not to exceed
- 14 two hundred dollars (\$200) per employee upon any employer for
- 15 any subsequent violations of this section.

1 (c) A violation of this section shall not constitute a misdemeanor
2 under Section 1199.

3 (d) For purposes of this section, the following definitions apply:

4 (1) (A) “Behavioral health employee” means an employee
5 engaged in a profession regulated by the Board of Psychology or
6 the Board of Behavioral Sciences, a psychiatric or mental health
7 nurse regulated by the Board of Registered Nursing, a counselor
8 for alcohol or drug dependency with a certification approved by
9 the State Department of Health Care Services, or a qualified autism
10 service provider.

11 (B) “Behavioral health employee” includes a contracted or
12 subcontracted individual under either of the following
13 circumstances:

14 (i) The individual provides behavioral health care services or
15 services supporting the provision of behavioral health care as a
16 contractor to the covered employer.

17 (ii) The individual provides the covered employer with
18 behavioral health care services or services supporting the provision
19 of behavioral health care as an employee of, or as a contractor
20 to, an entity that contracts with the covered employer.

21 (2) “Covered employer” means either of the following:

22 (A) A medical group exclusively contracted by a nonprofit health
23 care service plan with at least 3,500,000 enrollees that owns or
24 operates its own pharmacies to provide medical services to its
25 enrollees within a specified geographic region.

26 (B) A health care service plan with at least 3,500,000 enrollees
27 that owns or operates its own pharmacies and that provides health
28 care services to enrollees in a specific geographic area through
29 a mutually exclusive contract with a single medical group.

30 (3) “Medical-surgical employee” means an employee engaged
31 in a profession regulated by the Physician Assistant Board, the
32 California Board of Occupational Therapy, the Physical Therapy
33 Board of California, the California Board of Recreation Therapy
34 Certification, the California Board of Occupational Therapy, the
35 Respiratory Care Board of California, the Radiologic Health
36 Branch within the State Department of Public Health, or the
37 Speech-Language Pathology and Audiology and Hearing Aid
38 Dispensers Board, or an employee engaged in a profession
39 regulated by the Board of Registered Nursing that provides
40 medical-surgical care.

1 ~~SECTION 1. Section 17570 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 ~~17570. (a) A person who owns a vending machine shall have~~
4 ~~their name and address affixed to the machine in a place where it~~
5 ~~may be seen by anyone using the machine.~~

6 ~~(b) Notwithstanding subdivision (a), a person who owns more~~
7 ~~than one vending machine located at the same place may, as an~~
8 ~~alternative to the above, post a clearly readable sign containing~~
9 ~~their name and address in a conspicuous location near the~~
10 ~~machines.~~

11 ~~(c) In addition to posting their name and address, as specified~~
12 ~~in subdivisions (a) and (b), a person may also post their telephone~~
13 ~~number, email address, or both, on the machine or in a conspicuous~~
14 ~~location, as may be appropriate.~~