

## AB 654 Summary

### 1. What are the notification requirements under AB 654?

- a) Within **one business day**, employers are required to provide a **written** notice to all employees, and the employers of subcontracted employees, who were on the premises at the same “worksite” as the “qualifying individual” within the “infectious period” that they may have been exposed to COVID-19.

The notice must be sent in a manner the employer normally uses to communicate employment-related information. This can include, but is not limited to, **personal service, email, or text message** if it can reasonably be anticipated to be received by the employee within **one business day** of sending and shall be in both English and the language understood by the majority of the employees.

- i. Written notice must include information regarding COVID-19-related benefits and protection as well as disinfection and safety measures that will be taken at the worksite in response to the potential exposure.
1. Respective union representatives, if any, must also be provided with information regarding COVID-19-related benefits and protection as well as the disinfection and safety measures that will be taken at the worksite in response to the potential exposure.
- b) Within **one business day**, provide a written notice to respective union representatives, if any, of “qualifying individuals” and employees who had “close contact” with the qualifying individuals.

- i. Notice shall contain the same information as would be required in an incident report in a Cal/OSHA Form 300 injury and illness log.

Must maintain records of the written notifications for a period of at least three years.

**“Close contact”** means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping the infectious period of the COVID-19 case.

**“Infectious period”** means the following:

- For a COVID-19 case **with symptoms**, the infectious period begins 2 days before case first develops symptoms. The infectious period ends when the following criteria are met: 10 days have passed since symptoms first appears AND at least 24 hours have passed with no fever, without the use of reducing medication, and other symptoms have improved.
- For a COVID-19 case with **no symptoms**, the infectious period begins 2 days before the specimen for their first positive COVID-19 test was collected. The infectious period ends 10 days after the specimen for their first positive COVID-19 test was collected.

**“Qualifying individual”** means an employee who:

- Has a laboratory-confirmed case of COVID-19, as defined by CDPH
- Is diagnosed with COVID-19 by a licensed health care provider
- Is under an isolation order provided by a public health official
- Died due to COVID-19 as determined by a county public health department or per inclusion in a county's COVID-19 statistics

**“Worksite”** means the building, store, facility, agricultural field, or other location where a worker worked during the infectious period. It does not apply to buildings, floors, or other locations of the employer that a qualified individual did not enter, locations where the worker worked by themselves without exposure to other employees, or to a worker’s personal residence or alternative work location chosen by the worker when working remotely. In a multi-worksite environment, the employer need only notify employees who were at the same worksite as the qualified individual.

- c) Employers are required to notify the local public health agency within **48 hours or one business day**, whichever is later, of an outbreak, which is defined as three or more COVID-19 cases among workers at the same worksite within a 14-day period. The notice must include:
- a. Names, number, occupation, and worksite of the qualifying individuals; and
  - b. Business address and NAICS code of the worksite where the qualifying individuals work.

Employers must continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite.

## **2. What authority does Cal/OSHA have under AB 654?**

- a) Order Prohibiting Use (OPU)

Under AB 654, if Cal/OSHA exposes workers to the risk of infection with COVID-19 so as to constitute an imminent hazard to employees, Cal/OSHA can shut down an entire worksite or a specific worksite area by issuing an OPU. The worksite will remain closed off to employees until the employer effectively addresses the hazard(s) and the notice prohibiting use can only be removed by an authorized representative of Cal/OSHA. If Cal/OSHA uses its authority to issue an OPU, it must provide the employer with notice of the action and post that notice in a conspicuous place at the worksite.

Cal/OSHA may not, however, impose a restriction that would materially interrupt the performance of critical governmental functions essential to ensuring public health and safety functions or the delivery of electrical power, renewable natural gas, or water.

b) Citations

Under AB 654, Cal/OSHA can issue citations for an alleged violation of failure to provide written notifications to employees, employers of subcontracted employees, and union representatives as outlined above.

**3. Who does AB 654 apply to?**

a) AB 654 applies to both private and public employers.

The following employers are exempt from outbreak reporting:

- i. Health facility (Health & Safety Code § 1250)
- ii. Community clinic (Health & Safety Code § 1204(a))
- iii. Intermittent clinic exempt from licensure (Health & Safety Code § 1206(h))
- iv. Tribal clinic exempt from licensure (Health & Safety Code § 1206(c))
- v. Tribe-operated outpatient setting (25 USC 1603)
- vi. Rural health clinic (42 USC 1395x(aa)(2))
- vii. Federally qualified health center (42 USC 1395x(aa)(4))
- viii. Chronic dialysis clinic (Health & Safety Code § 1204(b)(2))
- ix. Employer that provides health care services and has employees licensed pursuant to Division 2 of the Business & Professions Code
- x. Adult day health center (Health & Safety Code § 1570.7(a))
- xi. Home health agency (Health & Safety Code § 1727(a))
- xii. Pediatric day health and respite care facility (Health & Safety Code § 1760.2(a)(1))
- xiii. Hospice (Health & Safety Code § 1746(d))
- xiv. Community care facility as described in the Community Care Facilities Act and including an adult residential facility for persons with special health care needs (Health & Safety Code § 1567.50)
- xv. Child day care facility as described in the California Child Day Care Facilities Act
- xvi. Residential care facility for the elderly as described in the California Residential Care Facilities for the Elderly Act
- xvii. Residential care facility for persons with chronic life-threatening illness (Health & Safety Code, Div. 2, Ch. 3.01)

AB 654 does not apply to employees who, as part of their duties, conduct COVID-19 testing or screening or provide direct patient care or treatment to individuals who are known to have tested positive for COVID-19, are persons under investigation, or are in quarantine or isolation related to COVID-19, unless the qualifying individual is an employee at the same worksite.

**4. When is AB 654 effective?**

a) AB 654 is effective until January 1, 2023.

## 5. AB 654 Resources

- a) Assembly Bill 654:  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB654](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB654)
- b) Cal/OSHA COVID-19 Emergency Temporary Standard FAQs:  
<https://www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html#testing>
- c) SB 1159 Reporting Requirements:  
<https://riskmanagement.lacounty.gov/>
- d) Model COVID-19 Prevention Plan:  
<https://riskmanagement.lacounty.gov/wp-content/uploads/2021/08/Model-COVID-19-Prevention-Program-CPP-Updated-6.17.21-1-2.doc>
- e) Public Health Reporting – Q & A:  
<https://riskmanagement.lacounty.gov/wp-content/uploads/2021/01/COVID-QA-of-Public-Health.pdf>