
THIRD READING

Bill No: AB 1336
Author: Addis (D)
Amended: 8/29/25 in Senate
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-1, 6/25/25
AYES: Smallwood-Cuevas, Cortese, Durazo, Laird
NOES: Strickland

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 61-16, 6/3/25 - See last page for vote

SUBJECT: Farmworkers: benefits

SOURCE: Attorney General Rob Bonta
United Farm Workers

DIGEST: This bill, until January 1, 2031, creates a rebuttable presumption that a heat-related injury arose out of the course of employment if the employer in the agriculture industry, as defined, fails to comply with existing heat illness prevention standards and establishes the Farmworker Climate Change Heat Injury and Death Fund consisting of a one-time transfer of \$5 million from the Workers' Compensation Administration Revolving Fund for the purpose of administrative costs relative to the provisions of this bill, as specified.

ANALYSIS:

Existing law:

- 1) Establishes a comprehensive system of workers' compensation that provides a range of benefits for an employee who suffers from an injury or illness that arises out of and in the course of employment, regardless of fault. This system

requires all employers to insure payment of benefits by either securing the consent of the Department of Industrial Relations (DIR) to self-insure or by obtaining insurance from a company authorized by the state. (Labor Code §§3200-6002)

- 2) Establishes the Division of Workers' Compensation (DWC) and Workers' Compensation Appeal Board (WCAB) within DIR and charges them with monitoring the administration of workers' compensation claims and providing administrative and judicial services to assist in resolving disputes that arise in connection with claims for workers' compensation benefits. (Labor Code §3200)
- 3) Creates a series of rebuttable presumptions of an occupational injury for peace and safety officers for the purpose of the workers' compensation system. These presumptions include: heart disease, hernias, pneumonia, cancer, tuberculosis, blood-borne infectious disease or methicillin-resistant *Staphylococcus aureus* skin infection (MRSA), bio-chemical illness, and meningitis. The compensation awarded for these injuries must include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by workers' compensation law. (Labor Code §§3212-3213.2)
 - a) Specifies that the presumptions listed above are rebuttable and may be controverted by evidence. However, unless controverted, the WCAB must find in accordance with the presumption. (Labor Code §3212 et seq.)
 - b) Specifies that the compensation awarded for these injuries must include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by workers' compensation law. Specifies that these presumptions tend to run for 5 to 10 years commencing on the last day of employment, depending on the injury and the peace officer classification involved. Further specifies that peace officers whose principal duties are clerical, such as stenographers, telephone operators, and other office workers are excluded from these presumptions. (Labor Code §3212 et seq.)
- 4) Creates the Workers' Compensation Administration Revolving Fund as a special account in the State Treasury, upon appropriation by the Legislature, for the administration of the workers' compensation program, the Return-to-Work Program, and the enforcement of the insurance coverage program established and maintained by the Labor Commissioner. (Labor Code §62.5)
 - a) Requires the director to levy a surcharge upon all employers, as defined in Labor Code Section 3300, in order to fund, among other things, the

Workers' Compensation Administrative Revolving Fund. (Labor Code §62.5(a), 62.5(f))

- 5) Defines an “employer” as:
 - a) The State and every State agency,
 - b) Each county, city, district, and all public and quasi-public corporations and public agencies therein,
 - c) Every person including any public service corporation, which has any natural person in service, or
 - d) The legal representative of any deceased employer. (Labor Code §3300)
- 6) Establishes the Division of Occupational Safety and Health (Cal/OSHA) within DIR requires the division to enforce all occupational safety and health standards, as specified. (Labor Code §6300 et seq.)
- 7) Requires Cal/OSHA to investigate the employment or place of employment, with or without notice or hearings, if it learns or has reason to believe that an employment or place of employment is unsafe to the welfare of an employee. If Cal/OSHA receives a complaint from an employee or an employee’s representative that their employment or place of employment is not safe, requires Cal/OSHA, with or without notice or hearing, to summarily investigate the complaint of serious violation within three working days. (Labor Code §6309)
- 8) Establishes heat illness prevention standards applicable to the following agriculture, construction, landscaping, oil and gas extraction, and transportation or delivery of agricultural products, as specified, including requiring all of the following:
 - a) Provision of free, cool, potable water as close as practicable to areas where employees work;
 - b) Access to shade, with ventilation or cooling, when temperatures exceed 80 degrees Fahrenheit (°F);
 - c) Implementation of high-heat procedures when temperatures equal or exceed 95°F;
 - d) For employees employed in agriculture, assurance of a ten minute per two hour cool down break when temperatures exceed 94°F, which may be taken with a meal break or rest period;

- e) Implementation of emergency response procedures and effective communication by voice, observation, or electronic means to ensure employees can contact a supervisor;
 - f) Observation of employees during temperatures of 80°F and above to monitor acclimatization;
 - g) Employee and supervisor training on heat illness detection, prevention, and occurrence; and
 - h) Establish, implement, and maintain a heat illness prevention plan, either as part of the employer's written Injury and Illness Program or maintained in a separate document. (Labor Code §6721, 8 CCR Section 3395)
- 9) Requires the Labor and Workforce Development Agency (LWDA), on or before July 1, 2023, to establish an advisory committee to study and evaluate the effects of heat on California's workers, businesses, and the economy, and to submit a report of its findings to the Legislature by January 1, 2026. (Government Code §15562.5)

This bill:

- 1) Creates, until January 1, 2031, a rebuttable presumption that a heat-related injury arose out of the course of employment if the employer in the agriculture industry, as defined, fails to comply with existing heat illness prevention standards.
- a) Specifies that heat illness prevention standards include, but are not limited to, the following:
 - i) Establishing, implementing, and maintaining an effective Heat Illness Prevention Plan and making it available at the worksite in English and the language understood by a majority of employees and providing effective health illness prevention.
 - ii) Recognition and response training, as specified.
 - iii) Providing access to shade and water and a cool down rest period, as specified.
 - b) Defines "injury" to include any heat-related injury, illness, or death that develops or manifests after the employee was working outdoors during or within the pay period in which an employee suffers any heat-related illness, injury, or death.

- c) Specifies that this presumption is disputable and may be controverted by other evidence, but unless it's controverted, the WCAB shall find in accordance with it.
 - d) Requires compensation awarded under the provisions of this bill to include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by workers' compensation law.
 - e) Specifies that a determination by the WCAB, as specified, does not have any effect in an investigation brought against an employer by Cal/OSHA.
 - f) Specifies that any determination by the WCAB, as specified, is not admissible in proceedings before the Occupational Safety and Health Appeals Board.
- 2) Establishes the Farmworker Climate Change Heat Injury and Death Fund that would consist of a one-time transfer of \$5 million from the Workers' Compensation Administration Revolving Fund for the purpose of administrative costs relative to the provisions of this bill, as specified.
- 3) Makes a series of legislative findings and declarations related to the working conditions of farmworkers in relation to climate change.

Background

Workers' Compensation Presumptions. Under the California workers' compensation system, if a worker is injured on a job, the employer must pay for the worker's medical treatment, and provide monetary benefits if the injury is permanent. In return for receiving free medical treatment, the worker surrenders the right to sue the employer for monetary damages in civil court.

The Legislature has created disputable or rebuttable presumptions within the workers' compensation system, which shifts the burden of proof in an injury claim from the employee to the employer. If an injury is covered by a presumption, the employer carries the burden to prove the injury is not related to work. Presumptions reflect unique circumstances where injuries or illnesses appear to logically be work-related, but it is difficult for the injured worker to prove them as such. For certain occupations, such as firefighters and peace officers, where workers are exposed to more types of injuries than in other occupations, the law presumes certain injuries and illnesses (i.e. heart disease, hernias, pneumonia, cancer, post-traumatic stress disorder injuries, tuberculosis, blood-borne infectious diseases, bio-chemical illness, and meningitis) are occupational injuries for purposes of workers' compensation coverage.

This bill, AB 1336, proposes to create a new presumption applicable to heat-related injuries for agricultural workers *only* if it is determined that their employer failed to comply with existing heat illness prevention standards at the time of the injury. In several ways, this presumption differs from the existing scope and the structure of workers' compensation presumptions.

Cal/OSHA Heat Standards. Cal/OSHA has jurisdiction over health and safety complaints, including the heat illness prevention standards¹ which apply to all outdoor places of employment such as those in the agriculture, construction, and landscaping industries. For outdoor workplaces, employers must take steps to protect workers from heat illness. Some of the requirements include providing water, shade, rest, and training.

Farmworker Heat-Related Illnesses. California is a global leader in agriculture, with over 830,000 workers throughout the course of any given year. Unfortunately, many of these farmworkers face arduous labor, low wages, and deplorable working conditions. As climate change worsens, droughts, wildfires, extreme heat, and flooding only exacerbate the challenges to farmworkers at their workplace. In addition, fear of retaliation or deportation prevents many farmworkers from filing complaints for any workplace violations.

It is no surprise that farmworkers are especially vulnerable to the impacts of extreme heat and heat-related illnesses or injuries. As the author notes, “[f]armworkers are at a particularly high risk of heat-related illness, especially given the strenuous nature of their work and the fact that it primarily takes place outdoors. Mortality from heat-related illness is 20 times higher for farmworkers in the U.S. than private industry and non-federal government workers. The average U.S. agricultural worker is currently exposed to 21 working days in the summer growing season that are unsafe due to heat. The farmworker community also faces unique circumstances that make them more susceptible to heat-related complications, including low wages, social and cultural isolation, barriers to medical care, substandard housing, and inadequate regulatory standards. [Additionally,] the risks to farmworkers are only expected to grow due to climate change.”

The author shared data from Cal/OSHA inspection reports from January 1, 2020 until September 28, 2022 that reveals continued health illnesses and death. They argue that this “demonstrates that employers are still failing to comply with health

¹ For more information on Cal/OSHA Heat Illness Prevention Guidance and resources, visit: <https://www.dir.ca.gov/dosh/HeatIllnessInfo.html>. For more information on the Title 8, California Code of Regulations 3395: <https://www.dir.ca.gov/title8/3395.html>

illness preventions in the state.” If employers don’t comply with heat illness prevention standards or if their workers do not know they are required to have access to drinking water, shade, and training, then this leads to unsafe working conditions. In fact, the Farmworker Health Study survey, funded by California’s Department of Public Health to examine dynamic challenges facing farmworker health, found that nearly half of farmworkers reported never being informed of a heat illness prevention plan as mandated under the law.²

A Heat-Related Presumption. This bill, AB 1336, proposes to create a presumption for agricultural employees who suffered heat-related injury if their employer failed to comply with the heat illness prevention standards.

According to the sponsors, the United Farm Workers (UFW):

“The bill would [...] promote employer compliance with existing state outdoor heat illness prevention standards by creating a rebuttable presumption – if a farm worker’s heat-related injury or death occurs in the same time frame as their agricultural employer is found to be noncompliant with the state heat illness prevention standards, the injury or death is presumed to have occurred in the course of employment.

This rebuttable presumption is unlike any other rebuttable presumption in existing law, whether in the public sector or private sector. And it is unlike any other worker's compensation bill approved by the Legislature.

Under AB 1336, no rebuttable presumption is triggered unless a heat-injured employee can show that their employer was out of compliance with the existing outdoor heat regulation.

This burden of demonstrating noncompliance is on the injured farm worker, not the employer. And even in that circumstance, the employer retains their right to rebut the presumption. [...]

Nothing in AB 1336 changes workers compensation from a no-fault system. Nothing in the bill prevents Cal/OSHA from continuing with their responsibilities. Nothing in the bill changes the existing outdoor heat regulation – ensuring farm workers have access to water, shade and breaks. Nothing in the bill changes the worker compensation benefit levels for farm workers.

² Brown, Paul et al (2022), Farmworker Health in California: Health in Time of Contagion, Drought, and Climate Change, UC Merced Community and Labor Center,

https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs_report_2.2.2383.pdf

Rather, this bill is a market-based approach to compliance that serves to supplement inadequate state efforts.”

The workers’ compensation system was established to ensure that injured workers during the course of their employment receive the medical treatment and compensation they need in order to return back to gainful employment, or be compensated when they can no longer return to work. Typically, presumptions are deemed necessary when the links between an injury and employment are difficult to demonstrate, but there is evidence to support the worker’s claims. Normally, presumptions have not been used to incentivize compliance with other labor laws or standards.

WCAB v. Cal/OSHA on Heat Illness Prevention Standards. The main function of the WCAB is to be the administrative law court of appeals for workers’ compensation claims in the State. WCAB only hears claims that are appealed after a decision by a DWC administrative law judge. It is not typically WCAB’s role to determine if any Cal/OSHA standards were violated. As mentioned earlier, Cal/OSHA has jurisdiction over health and safety complaints and the heat illness prevention standards.

Under existing presumptions, it is not necessary for WCAB to make a determination of fact before the presumption applies. Instead, the presumption applies as soon as the injury occurs and the employer has the opportunity to rebut it.

In this bill, the presumption would only apply under the limited circumstances where a violation of the heat illness prevention standards has occurred. Although the bill does not specifically state *who* will make that determination, a determination that an agricultural employer failed to comply with the heat illness prevention standards would be necessary for this presumption to apply. This means that WCAB would likely have to determine whether there was a violation.

Recent amendments specify that this bill would prohibit a determination by the WCAB from having any effect in certain investigations and would prohibit that determination from being admissible in proceedings before the Occupational Safety and Health Appeals Board.

Expanding Workers’ Compensation Presumptions to Private Sector Employees. As mentioned earlier, there is a long history of workers’ compensation presumptions for public safety employees, such as peace officers and firefighters, who have unique occupational hazards including fires, accidents, and exposure to carcinogens and other toxic or hazardous material.

However, there has been no presumption applied to private sector employees besides a temporary presumption granted during the COVID-19 pandemic. In 2020, SB 1159 (Hill, Chapter 85), established a rebuttable presumption that specified employees who contracted COVID-19 in their workplace were covered under workers' compensation. The COVID-19 presumption was limited in scope and only in effect from late 2020 until January 1, 2024.

By limiting existing presumptions to public safety officers, the costs associated with presumptions are only incurred by state and local government employers, and only for those narrow class of employees.

Prior Attempts to Create a Heat-Related Presumption for Agricultural Workers. This bill is identical to SB 1299 (Cortese, 2024) which was approved by the Legislature but vetoed by Governor Newsom. In his veto message, the Governor outlined several steps his administration has taken to protect Californians from extreme heat, and agreed that farmworkers need strong protections from the risk of heat-related illness. He further stated:

“However, the creation of a heat-illness presumption in the workers' compensation system is not an effective way to accomplish this goal. Current laws establishing, regulating, and enforcing heat illness prevention standards fall under the jurisdiction of Cal/OSHA, not the Division of Workers' Compensation, and the workers' compensation system is not equipped to make determinations about employers' compliance with Cal/OSHA standards.”

Proposed Farmworker Climate Change Heat Injury and Death Fund. This bill, AB 1336, also seeks to establish a Farmworker Climate Change Heat Injury and Death Fund for the purpose of paying any administrative costs related to this proposed presumption. This new fund is proposed under the Workers' Compensation Administration Revolving Fund, which is a special account in the State Treasury for the administration of the workers' compensation program, the Return-to-Work Program, and the enforcement of the insurance coverage program established and maintained by the Labor Commissioner. All employers, including public entities, pay into the Workers' Compensation Administrative Revolving Fund.

Opponents claim, “It is also unclear whether the fund would help with any of [the] costs. While we appreciate the intent behind the proposed Farmworker Climate Change Heat Injury and Death Fund is to assist workers who suffer occupational injuries, the bill does not say what the fund would cover. The language provides that it will fund “paying any administrative costs related to Section 3212.81”. It is unclear if that is the workers' costs or if it is the state's administrative costs.

Further, the fund is coming from the Workers' Compensation Administration Revolving Fund. The Workers' Compensation Administration Revolving Fund is funded through workers' compensation assessments paid by all employers, including public entities. Generally, other industry-specific funds are funded by that industry alone."

According to the author and sponsors, the intent of this fund is to cover the state's administrative costs related to the provisions of this bill.

Related/Prior Legislation

SB 1299 (Cortese, 2024, Vetoed) was virtually identical to this bill, and would have created a rebuttable presumption that a heat-related injury for an employer in the agriculture industry that fails to comply with heat illness prevention standards, as defined, arose out of and came in the course of employment. The bill would have established the Farmworker Climate Change Heat Injury and Death Fund that would consist of a one-time transfer of \$5,000,000 derived from nongeneral funds of the Workers' Compensation Administration Revolving Fund for the purpose of administrative costs associated with this presumption. *This bill was vetoed.*

SB 1105 (Padilla, Chapter 525, Statutes of 2024) authorized the use of accrued paid sick leave for outdoor agricultural workers to avoid smoke, heat, or flooding conditions created by a local or state emergency.

AB 2264 (Arambula, 2024) would have required an employee to obtain and maintain a heat illness prevention training certification from Cal/OSHA within 30 days after the date of hire and require an employer to reimburse the employee for training time. *This bill was held in the Assembly Committee on Labor and Employment.*

AB 1156 (Bonta, 2023) would have established workers' compensation rebuttable presumptions that specified diagnoses are occupational for a hospital employee who provides direct patient care in an acute care hospital. These diagnoses included infectious diseases, cancer, musculoskeletal injuries, post-traumatic stress disorder, and respiratory diseases. The bill would also have included the 2019 novel coronavirus disease (COVID-19) from SARS-CoV-2 and its variants, among other conditions, in the definitions of infectious and respiratory diseases. The bill would have further extended these presumptions for specified time periods after the hospital employee's termination of employment. *This bill was held in the Assembly Committee on Insurance.*

AB 597 (Rodriguez, 2023) would have, for injuries occurring on or after January 1, 2025, created a rebuttable presumption for emergency medical technicians and paramedics that PTSD is an occupational injury and covered under workers' compensation. *This bill was held in the Assembly Committee on Insurance.*

AB 699 (Weber, 2023, Vetoed) would have extended rebuttable presumptions for hernia, pneumonia, heart trouble, cancer, tuberculosis, blood-borne infectious disease, methicillin-resistant *Staphylococcus aureus* skin infection, and meningitis-related illnesses and injuries to a lifeguard employed on a year-round, full-time basis in the Boating Safety Unit by the City of San Diego Fire-Rescue Department, as specified. It would also have expanded the presumptions for post-traumatic stress disorder or exposure to biochemical substances, as defined, to a lifeguard employed in the Boating Safety Unit by the City of San Diego Fire-Rescue Department. *This bill was vetoed.*

AB 1145 (Maienschein, 2023, Vetoed) would have provided, until January 1, 2030, that for specified state nurses, psychiatric technicians, and various medical and social services specialists, the term "injury" also included post-traumatic stress that develops or manifests itself during a period in which the injured person is in the service of the department or unit. The bill would have applied to injuries occurring on or after January 1, 2024. The bill would have prohibited compensation from being paid for a claim of injury unless the member performed services for the department or unit for at least 6 months, unless the injury is caused by a sudden and extraordinary employment condition. *This bill was vetoed.*

SB 623 (Laird, Chapter 621, Statutes of 2023) extended the sunset until January 1, 2029 for a rebuttable presumption that a diagnosis of post-traumatic stress disorder injuries for specified peace officers and firefighters is an occupational injury, and required the Commission on Health and Safety and Workers' Compensation to submit both reports to the Legislature analyzing the effectiveness of the presumption and a review of claims filed by specified types of employees not included in the presumption, such as public safety dispatchers, as defined.

AB 1643 (R. Rivas, Chapter 263, Statutes of 2022) required, on or before July 1, 2023, the Labor and Workforce Development Agency to establish an advisory committee of specified representatives to evaluate and recommend the scope of a study on the effects of heat on California's workers, businesses, and the economy.

SB 213 (Cortese, 2021) would have created a series of rebuttable presumptions that infectious disease, COVID-19, cancer, musculoskeletal injury, post-traumatic stress disorder, or respiratory disease are occupational injuries for a direct patient

care worker employed in an acute care hospital, as defined. *This bill was held in the Assembly Committee on Insurance.*

SB 1159 (Hill, Chapter 85, Statutes of 2020) created a rebuttable presumption for specified employees, including active firefighting members of a fire department that provides fire protection to a commercial airport, as defined, that illness or death resulting from COVID-19 under specified circumstances, and until January 1, 2023, is an occupational injury and therefore covered by workers' compensation.

SB 416 (Hueso, 2019) would have expanded the presumption that certain defined injuries and illnesses are occupational injuries and therefore covered by workers' compensation for all peace officers, as specified. *This bill was held at the Assembly Desk.*

AB 2676 (Calderon, 2012, Vetoed) would have made it a misdemeanor, punishable by jail time and fines, to fail to provide water and shade, as specified, to employees. *This bill was vetoed.*

AB 2346 (Butler, 2012, Vetoed) would have, among other things, made growers and the farm labor contractors they hire jointly liable for failure to supply farm workers with shade and water. *This bill was vetoed.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- This bill would result in a one-time transfer of \$5 million from the Workers' Compensation Administration Revolving Fund to the Farmworker Climate Change Heat Injury and Death Fund, which this bill would create, to pay administrative costs that would result from the bill.
- The Department of Industrial Relations (DIR) indicates that it would incur administrative costs in the millions of dollars annually to implement the provisions of the bill (Farmworker Climate Change Heat Injury and Death Fund).

SUPPORT: (Verified 8/29/25)

Attorney General Rob Bonta (Source)

United Farm Workers (Source)

California Environmental Voters (formerly CLCV)

California Farmworker Coalition
California Federation of Labor Unions
California Federation of Teachers
California Food and Farming Network
California Medical Association
Central California Environmental Justice Network
Central Coast Alliance United for a Sustainable Economy
Centro Binacional Para El Desarrollo Indígena Oaxaqueno
Cleaneearth4kids.org
CPCA Advocates, Subsidiary of the California Primary Care Association
Farm2people
Mixteco/indigena Community Organizing Project
Sierra Harvest

OPPOSITION: (Verified 8/29/25)

African American Farmers of California
Agricultural Council of California
American Property Casualty Insurance Association
Associated Equipment Distributors
Association of California Egg Farmers
Brea Chamber of Commerce
Building Owners and Managers Association
California Association of Joint Powers Authorities
California Association of Joint Powers Authorities
California Association of Wheat Growers
California Association of Winegrape Growers
California Bean Shippers Association
California Business Properties Association
California Chamber of Commerce
California Citrus Mutual
California Coalition on Workers Compensation
California Cotton Ginners and Growers Association
California Farm Bureau
California Fresh Fruit Association
California Grain and Feed Association
California Hispanic Chambers of Commerce
California League of Food Producers
California Pear Growers Association
California Restaurant Association
California Seed Association

California State Floral Association
California Strawberry Commission
California Walnut Commission
Carlsbad Chamber of Commerce
Chino Valley Chamber of Commerce
Corona Chamber of Commerce
Cupertino Chamber of Commerce
Danville Area Chamber of Commerce
Family Business Association of California
Family Winemakers of California
Fontana Chamber of Commerce
Garden Grove Chamber of Commerce
Gateway Chambers Alliance
Greater Coachella Valley Chamber of Commerce
Greater Conejo Valley Chamber of Commerce
Greater High Desert Chamber of Commerce
Huntington Beach Chamber of Commerce
Imperial Valley Regional Chamber of Commerce
LA Canada Flintridge Chamber of Commerce
Livermore Valley Chamber of Commerce
Lodi District Chamber of Commerce
Long Beach Area Chamber of Commerce
Modesto Chamber of Commerce
Murrieta Wildomar Chamber of Commerce
Naiop California
National Federation of Independent Business
Newport Beach Chamber of Commerce
Nisei Farmers League
Norwalk Chamber of Commerce
Oceanside Chamber of Commerce
Orange County Business Council
Pacific Egg & Poultry Association
Pacific Egg and Poultry Association
Paso Robles and Templeton Chamber of Commerce
Paso Robles Templeton Chamber of Commerce
Porterville Chamber of Commerce
Rancho Cordova Area Chamber of Commerce
Rancho Mirage Chamber of Commerce
Redondo Beach Chamber of Commerce
Roseville Area Chamber of Commerce

San Pedro Chamber of Commerce
Santa Barbara South Coast Chamber of Commerce
Santa Maria Valley Chamber of Commerce
Santee Chamber of Commerce
Simi Valley Chamber of Commerce
South Bay Association of Chambers of Commerce
Southwest California Legislative Council
Tri County Chamber Alliance
Tulare Chamber of Commerce
West Ventura County Business Alliance
Western Growers Association
Western Tree Nut Association
Wine Institute

ARGUMENTS IN SUPPORT:

According to the co-sponsor, Attorney General Rob Bonta: “AB 1336’s disputable presumption that an agricultural worker’s heat-related injury that develops within a specified timeframe after working outdoors for an employer that fails to comply with heat illness prevention standards arose out of and came in the course of employment, may be controverted by other evidence. However, this mechanism for providing relief to farm workers should incentivize farm labor employers to proactively comply with Cal-OSHA’s outdoor heat illness regulations. AB 1336 does not create a new cause of action.

California’s farm workers harvest a majority of the nation’s production of fruits, nuts, and vegetables, in the face of increasing exposure to extreme weather events brought on by climate change, including extreme heat. The United Farm Workers (UFW) cite that California’s agricultural regions regularly breach 100 degrees during the summer due to climate change, and that from 2018-19, the number of suspected and confirmed farmworker heat-related deaths increased by approximately 130%. Additionally, the federal Occupational Safety and Health Administration cites that almost half of all heat-related deaths among workers occur on their first day on the job, and more than 70% occur within the first week, with the human body requiring days to adapt to hotter temperatures. Specifically, the National Institutes of Health found that agricultural workers are 35 times more likely to die from heat-related stress than workers in other industries.”

ARGUMENTS IN OPPOSITION:

According to opponents, including a large coalition of business groups and the California Chamber of Commerce: “AB 1336 would create a presumption that a

heat-related illness or injury is occupational if the employer fails to comply with any one of the dozens of heat illness prevention standard provisions in Sections 6721 or 3395 of Title 8 of the California Code of Regulations. [...] Proposed section 3212.81 provides that any injury ‘resulting’ from an employer’s failure to comply with applicable heat standards would fall under the presumption. If the worker has demonstrated that an injury ‘resulted’ from their job, they have already met their burden of proof under the workers’ compensation system and that injury would be covered without the need for a presumption. [...] It applies regardless of any causal link to the claim at issue and regardless of whether a citation was issued.

We are unaware of any data demonstrating that there is a need for a presumption for agricultural workers for heat-related illnesses and injuries. Indeed, a recent CWCI study of an identical bill last year (SB 1299 (Cortese)) shows that agriculture claims are accepted at a rate of 89% - which is higher than other industries, including other outdoor industries.”

ASSEMBLY FLOOR: 61-16, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Hadwick, Hoover, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Lackey, Macedo

Prepared by: Jazmin Marroquin / L., P.E. & R. / (916) 651-1556
9/2/25 18:19:19

**** END ****