

---

THIRD READING

---

Bill No: AB 596  
Author: McKinnor (D)  
Amended: 6/12/25 in Senate  
Vote: 21

---

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 6/11/25  
AYES: Smallwood-Cuevas, Strickland, Cortese, Durazo, Laird

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 63-10, 4/28/25 - See last page for vote

---

**SUBJECT:** Occupational safety: face coverings

**SOURCE:** California Federation of Labor Unions  
Orange County Employees Association

---

**DIGEST:** This bill prohibits an employer from preventing any employee from wearing a face covering, including a respirator, unless it would create a safety hazard.

**ANALYSIS:**

Existing law:

- 1) The California Occupational Safety and Health Act, assures safe and healthful working conditions for all California workers by authorizing the enforcement of effective standards, assisting and encouraging employers to maintain safe and healthful working conditions, and by providing for research, information, education, training, and enforcement in the field of occupational safety and health. (Labor Code §6300-6413.5)
- 2) Establishes the Division of Occupational Safety and Health (known as Cal/OSHA) within the Department of Industrial Relations (DIR) to, among

other things, propose, administer, and enforce occupational safety and health standards. (Labor Code §6300 et seq.)

- 3) Establishes the Occupational Safety and Health Standards Board, within DIR, to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for workers. (Labor Code §140-147.6)
- 4) Requires employers to establish, implement and maintain an effective Injury and Illness Prevention Program (IIPP) that must include, among other things, a system for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices and the employer's methods and procedures for correcting those unsafe or unhealthy conditions and work practices in a timely manner. The IIPP must also include the employer's system for communicating with employees on occupational health and safety matters. (Labor Code §6401.7)
- 5) Until February 3, 2025, established a Temporary Emergency Standard for COVID-19 Prevention in the workplace, which, among other things, included requirements for the use of face coverings consistent with recommendations from the California Department of Public Health. (California Code of Regulations (CCR) Title 8, §3205)

This bill:

- 1) For purposes of these provisions, defines the following terms:
  - a) "Face covering" means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or nonwoven material of at least two layers that completely covers the nose and mouth and is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they shall have two layers of fabric or be folded to make two layers. A face covering is a solid piece of material without slits, visible holes, or punctures that fits snugly over the nose, mouth, and chin with no large gaps on the outside of the face:
    - i. "Face covering" includes clear face coverings or cloth face coverings with a clear plastic panel that otherwise meet this definition and which may be used to facilitate communication with people who are deaf or hard of hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

- ii. “Face covering” does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.
  - b) “Respirator” means a respiratory protection device approved by the National Institute for Occupational Safety and Health to protect the wearer from particulate matter, including, but not limited to, an N95 filtering facepiece respirator.
- 2) Prohibits an employer from preventing any employee from wearing a face covering, including a respirator, unless it would create a safety hazard.
  - 3) Provides that this prohibition does not limit more protective or stringent local health department orders or guidance.

## Background

*COVID-19 Prevention Temporary Standards.* In response to the COVID-19 pandemic, California adopted a COVID-19 prevention standard (CCR Title 8, Section 3205) that applied to all employers, employees, and places of employment, with some exceptions. The standard directed employers on measures to prevent COVID-19 transmission and to identify and correct hazards, including by testing employees and providing notices on cases found. Among other elements, the standard included employer requirements to provide face coverings and ensure they are worn by employees when required by a California Department of Public Health regulation or order. Additionally, the standard included a prohibition on employers preventing employees from wearing face coverings, including a respirator, when not required by the standard, unless it would create a safety hazard.<sup>1</sup>

Regarding face coverings requirements, the standard provided the following exceptions:

- When an employee is alone in a room or vehicle.
- While eating or drinking at the workplace, as specified.
- While employees are wearing respirators required by the employer, as specified.
- Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person, as specified.

---

<sup>1</sup> CCR Title 8, Section 3205 (f). <https://www.dir.ca.gov/title8/3205.html>

- During specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed.

With the exception of certain COVID-19 reporting and recordkeeping requirements, the emergency standard and related provisions sunsetted on February 3, 2025. This bill proposes to codify the element of the standard that prohibits employers from preventing any employee from wearing a face covering, including a respirator, unless it would create a safety hazard. Staff notes, however, that this bill does not include the exceptions for mask usage found in the standard.

*Benefits of Using Face Coverings.* Even though the COVID-19 virus is more under control and the standard has sunsetted, the virus is not exactly behind us. A new COVID variant is currently spreading across California with experts warning of a summer surge. The benefits of mask wearing to help prevent the spread of this and other viruses is well documented. The California Department of Public Health (CDPH) and the Federal Centers for Disease Control and Prevention (CDC) continue to promote mask wearing as an effective strategy in the prevention of respiratory viruses. Mask wearing can help prevent the transmission of common respiratory viruses such as COVID-19, influenza, and respiratory syncytial virus (RSV).<sup>2</sup> CDPH additionally promotes the use of masks for the protection against harmful environmental exposures including from wildfire smoke and infection with Valley Fever.<sup>3</sup>

According to the CDC, “wearing a mask can help lower the risk of respiratory virus transmission. When worn by a person with an infection, masks reduce the spread of the virus to others. Masks can also protect wearers from breathing in infectious particles from people around them. Different masks offer different levels of protection. Wearing the most protective one you can comfortably wear for extended periods of time that fits well (completely covering the nose and the mouth) is the most effective option.”<sup>4</sup>

*Need for this bill?* According to the author: “The COVID-19 Prevention Safety Standard, implemented by Cal/OSHA in November 2020, included critical protections for workers, including the right to wear face coverings at work, even when not required, unless doing so creates a safety hazard...This worker safety standard expired on February 3, 2025. Without action, employers could begin

---

<sup>2</sup> See <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Respiratory-Viruses/When-and-Why-to-Wear-a-Mask.aspx>

<sup>3</sup> See <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Respiratory-Viruses/When-and-Why-to-Wear-a-Mask.aspx>, and <https://www.cdc.gov/respiratory-viruses/prevention/masks.html>

<sup>4</sup> <https://www.cdc.gov/respiratory-viruses/prevention/masks.html>

restricting mask use, as has been observed in other states and local jurisdictions. Such restrictions could leave workers vulnerable to health risks and undermine their autonomy in making personal health decisions.

AB 596 will codify the protections in Title 8, Section 3205(f)(4), ensuring that no employer may prevent an employee from wearing a face covering, including a respirator, unless it creates a safety hazard...This measure will ensure that California remains a leader in worker safety and public health, particularly in the face of ongoing and future infectious disease risks.”

**Related/Prior Legislation:**

AB 2693 (Reyes, Chapter 799, Statutes of 2022) 1) extended the sunset date on COVID-19 related workplace reporting requirements and for Cal/OSHA’s authority to disable an operation or process at a place of employment when the risk of COVID-19 infection creates an imminent hazard; 2) revised and recast COVID-19 exposure reporting provisions to require employers to display a notice with information on confirmed COVID-19 cases at the worksite; 3) authorized employers to post this information on an employer portal or continue to provide it in writing; and 4) struck requirements in existing law pertaining to the reporting by employers of COVID-19 outbreaks to local public health agencies and the public posting of this information by the State Department of Public Health.

AB 685 (Reyes, Chapter 84, Statutes of 2020) required employers to provide specified notices to employees and others if an employee is exposed to COVID-19, and also provided explicit authority for Cal/OSHA to close work areas and locations and issue citations due to COVID-19 risk in the workplace.

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

**SUPPORT:** (Verified 6/24/25)

California Federation of Labor Unions (co-source)  
Orange County Employees Association (co-source)  
California Medical Association  
California Nurses Association  
California School Employees Association  
California Federation of Teachers - a Union of Educators & Classified Professionals  
Church State Council  
Consumer Attorneys of California

Courage California  
Oakland Privacy

**OPPOSITION:** (Verified 6/24/25)

California Chamber of Commerce

**ARGUMENTS IN SUPPORT:**

According to one of the sponsors, the California Federation of Labor Unions:

“As a direct and immediate response to the COVID-19 pandemic, Cal/OSHA approved emergency temporary regulations to help stop the spread of the disease at worksites throughout the state. One of the most critical protections included in those emergency regulations stated that ‘No employer shall prevent any employee from wearing a face covering, including a respirator... unless it would create a safety hazard.’ This necessary set of regulations helped protect workers who were not already protected by existing regulations that apply only to workplaces at high risk for infectious diseases, such as hospitals, health clinics, and laboratories. So for most workers, these protections were the only ones they had.

The COVID-19 temporary protection safety standard sunset on February 3, 2025, meaning that those workers who had the right to protect themselves at work by wearing a mask to prevent exposure no longer have that right. Since then, some employers have enacted politically motivated rules in their workplaces to prohibit workers from wearing masks on the job to protect themselves. This is especially dangerous for workers who are immunocompromised, or who live with people who are, and must take extra precautions to protect themselves and their family.

Additionally, the fires in Los Angeles have reignited conversations about smoke and air quality, especially for workers who must continue to work in areas in and around the fires.”

**ARGUMENTS IN OPPOSITION:**

The California Chamber of Commerce is opposed to the measure arguing:

“Cal/OSHA included face coverings in its COVID-19 protection regulation, and obligated them to be used in certain circumstances. Notably, even Cal/OSHA included a list of exemptions from these obligations, including: (1) exempting employees who are already required to wear non-compatible headgear; (2) employees who could not wear such a covering due to a mental health or disability issue; and (3) where such masks are not ‘feasible’ due to the job tasks.

AB 596 would prohibit an employer from preventing an employee from wearing a mask; or, in other words: it ensures that an employee can wear a ‘face covering’ and that an employer cannot prohibit them from doing so. Notably, AB 596 does not include the “feasibility” exemption, or the disability-based exemption that Cal/OSHA had placed in its regulation.

While we certainly do not oppose any Californians’ desire to wear additional respiratory protection where appropriate, we are concerned that certain professions and job tasks are not compatible with such ‘face coverings.’”

ASSEMBLY FLOOR: 63-10, 4/28/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Dixon, Elhawary, Fong, Gabriel, Garcia, Gipson, 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, Schiavo, Schultz, Sharp-Collins, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, DeMaio, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Ta, Tangipa

NO VOTE RECORDED: Ellis, Flora, Patterson, Blanca Rubio, Sanchez, Solache

Prepared by: Alma Perez-Schwab / L., P.E. & R. / (916) 651-1556  
6/24/25 16:32:51

\*\*\*\* END \*\*\*\*