

SENATE THIRD READING

SB 1149 (Durazo)

As Amended May 14, 2026

Majority vote

SUMMARY

Adds "designated person" to the definition of family member for purposes of taking bereavement leave. "Designated person" means any individual related to the employee by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave and the employee may be limited to one designated person per 12-month period.

Major Provisions

See the above summary.

COMMENTS

This bill builds upon prior legislation expanding the definition of "family" under state leave laws. For example, in 2022, the state's family medical leave law—the California Family Rights Act—was amended to provide that a worker can take job-protected leave to care for a designated person. (AB 1041 (Wicks) Chapter 748, Statutes of 2022). Similarly, SB 590 (Durazo) Chapter 772, Statutes of 2025 will allow, beginning in 2028, wage replacement for a qualified worker to care for a designated person.

A recent study surveying women in the workplace reveals that women in particular assign a high value to bereavement leave among employee benefits. The study surveyed employee experiences from over 27,000 workers at 33 companies. A quarter of women respondents reported bereavement leave as a top employee benefit, even over parental leave and caregiver benefits.¹ Over thirty percent of female respondents with traditionally marginalized identities such as black women, women with disabilities, and LGBTQ women reported that bereavement leave is a critical benefit.²

Similarly, leave usage to care for "chosen" family members is high among LGBT workers and workers with disabilities compared to other workers. In fact, forty-two percent of LGBT individuals report taking leave for a chosen family member, a significantly higher rate than non-LGBT individuals at 31 percent.³ Among people with disabilities, 42 percent reported taking time off to care for chosen family, compared with 30 percent of people without disabilities.⁴ These numbers indicate a significant need to expand the definition of "family" for leave-related purposes for a number of worker populations.

According to the Author

"Current law provides up to five days of bereavement leave, but only for a limited list of close family members such as a spouse, child, parent, sibling, grandparent, grandchild, domestic

¹ "A surprising employee benefit that often tops the list for women with marginalized identities: Bereavement Leave." LeanIn, 2024. The study was conducted by LeanIn and McKinsey & Company in 2023.

² *Ibid.*

³ "People Need Paid Leave Policies that Cover Chosen Family," Center for American Progress, October 30, 2017.

⁴ *Ibid.*

partner, or parent-in-law. But for many Californians, family is broader than biology or legal status. It includes chosen family, extended relatives, and individuals who provide the same love, care, and support as immediate family.

SB 1149 expands bereavement leave to include a "designated person" – someone the employee identifies as having a family-like relationship – recognizing the reality of how families are formed across our state. This definition is already reflected in other California workplace and family leave policies and ensures California workers are supported in their most difficult moments, consistent with how families actually live and care for one another."

Arguments in Support

A coalition of work and family organizations, including the California Coalition on Family Caregiving, are cosponsors of the bill and state, "SB 1149 will also ensure that California remains a leader in workplace protections. States like Minnesota and Oregon already protect the right of workers to take job-protected bereavement leave for a chosen or extended family member. It is essential for California to keep pace.

Notably, in 1968, when the Vietnam War death toll was at its peak, the U.S. government passed funeral leave for federal employees to take time off for the combat-related deaths of family or "any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship." We must act with the same kind of compassion to protect Californians who have experienced loss."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee,

- 1) Minor and absorbable costs to the Civil Rights Department (CRD), which enforces an employee's right to bereavement leave.
- 2) Minor and absorbable costs to the Department of Human Resources to update bereavement leave policies and provide notice to state employee bargaining units.
- 3) Ongoing costs of an unknown amount, potentially in excess of \$150,000, across state departments (particularly those with operations requiring 24-hour coverage) for increased staffing costs to the extent expanding the definition of a family member results in more employees taking bereavement leave (General Fund or special fund).

Similarly, potential ongoing staffing costs across local government employers. However, such costs would not need to be reimbursed by the state because this bill's requirements for local agencies equally apply to the private sector.

VOTES**SENATE FLOOR: 39-0-1**

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Niello

ASM LABOR AND EMPLOYMENT: 7-0-0

YES: Ortega, Alanis, Chen, Arambula, Kalra, Lee, Ward

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

VERSION: May 14, 2026

CONSULTANT: Megan Lane / L. & E. / (916) 319-2091

FN: 0003524