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AB-1775 Occupational safety: live events. (2021-2022)

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Assembly Bill No. 1775

CHAPTER 759

An act to add Part 14 (commencing with Section 9250) to Division 5 of the Labor Code, relating to occupational safety.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1775, Ward. Occupational safety: live events.

Existing law establishes the Division of Occupational Safety and Health in the Department of Industrial Relations, and charges the division with the enforcement of various laws affecting safe working conditions, including the California Occupational Safety and Health Act of 1973.

This bill would require a contracting entity, as defined, to require an entertainment events vendor to certify for its employees and employees of its subcontractors that those individuals have complied with specified training, certification, and workforce requirements, including that employees involved in the setting up, operation, or tearing down of a live event at its public events venue, as defined, have completed prescribed trainings of the United States Department of Labor's Occupational Safety and Health Administration. The bill would require the division to enforce those provisions by issuing a citation and a notice of civil penalty, as specified, and deposit those funds in the Occupational Safety and Health Fund.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) California residents can enjoy live music, theater, dance, cultural, and other live events year-round at California's many indoor and outdoor event venues located on state- or county-owned facilities.
- (2) The workers that set up and tear down staging, including lighting systems, sound systems, video walls, and other scenic elements for live events at arenas, stadiums, fairgrounds, and outdoor venues, face serious workplace hazards that can risk the safety of the workers, performers, and the public.
- (3) These workers handle complex systems in all weather conditions, including excessive heat, rain, and windy conditions, working on rigging at great heights, and set up stages often on unknown surfaces, such as damp ground, sand, hot asphalt, and other unstable foundations.
- (4) There is a history of accidents, injuries, and fatalities of workers responsible for setting up and breaking down events.

(5) Many of these accidents are preventable and due to the lack of knowledge, training, and experience with established safety protocols and best practices within this sector of the entertainment industry.

(b) Therefore, it is the intent of the Legislature to promote safety standards and certifications that ensure that all live events and programming are safe for workers, performers, and the public.

SEC. 2. Part 14 (commencing with Section 9250) is added to Division 5 of the Labor Code, to read:

PART 14. Safety on Staging for Live Events

9250. For purposes of this part, the following definitions apply:

(a) "Auxiliary organization" means an entity that is included as an auxiliary organization pursuant to Section 89901 of the Education Code.

(b) "Contract" means an existing event and reservation agreement between a contracting entity and an entertainment events vendor to set up, operate, or tear down a live event at a public events venue.

(c) "Contracting entity" means a body that contracts with an entertainment events vendor to set up, operate, or tear down a live event at a public events venue.

(d) "Division" means the Division of Occupational Safety and Health.

(e) "Entertainment events vendor" means a private employer that contracts to set up, operate, or tear down a live event and includes any subcontractor employer involved in the event's setting up, operation, or tearing down.

(f) "Entertainment Services and Technology Association" means the nonprofit trade association based in North America for the entertainment technology industry that develops standards for entertainment crafts through an accredited American National Standards Institute technical standards program.

(g) "Entertainment Technician Certification Program" means the industry and labor nongovernmental program of the Entertainment Services and Technology Association that grants certification to a worker who has demonstrated mastery as an entertainment technician.

(h) "Heads of departments" and "leads" means any worker that leads, supervises, or directs one or more workers in that same occupation and is employed in an occupation that may be certified by the Entertainment Technician Certification Program.

(i) "Cal/OSHA-10" means a 10-hour course offered by a training provider that is authorized by an OSHA Training Institute Education Center to provide the course.

(j) "OSHA-10" means the United States Department of Labor's Occupational Safety and Health Administration's 10-hour course on workplace health and safety.

(k) "OSHA-10/General Entertainment Safety" means the United States Department of Labor's Occupational Safety and Health Administration's 10-hour course on workplace health and safety specific to the entertainment and exhibition industries.

(l) "Cal/OSHA-30" means a 30-hour course offered by a training provider that is authorized by an OSHA Training Institute Education Center to provide the course.

(m) "OSHA-30" means the United States Department of Labor's Occupational Safety and Health Administration's 30-hour course on workplace health and safety.

(n) "OSHA-30/General Entertainment Safety" means the United States Department of Labor's Occupational Safety and Health Administration's 30-hour course on workplace health and safety specific to the entertainment and exhibition industries.

(o) "Public events venue" means a state-operated fairground, county fairground, state park, California State University, University of California, or auxiliary organization-run facility that hosts live events.

(p) "Operate" means to operate effects on an event set, including, but not limited to, lighting, sound, pyrotechnics, machinery, electrical apparatus, scenery, audiovisual, or rigging.

(q) "Skilled and trained workforce" has the same meaning as defined in Section 2601 of the Public Contract Code.

9251. (a) A contracting entity shall require an entertainment events vendor to certify for its employees, and any subcontractors' employees, as part of the contract for production of any live event at its public events venue, both of the following:

(1) An employee of an entertainment events vendor involved in the setting up, operation, or tearing down of a live event at the venue has completed the Cal/OSHA-10, the OSHA-10/General Entertainment Safety training, or the OSHA-10 as applicable to their occupation.

(2) One of the following applies:

(A) Heads of departments and leads have completed the Cal/OSHA-30, the OSHA-30/General Entertainment safety training, or the OSHA-30, and are certified through the Entertainment Technician Certification Program relevant to the task or tasks they are supervising or performing, or another certification program, as specified by the division.

(B) The entertainment events vendor certifies that its employees and any subcontractors' employees meet the conditions for a skilled and trained workforce.

(b) An entertainment events vendor shall certify in writing, and as part of the contract, that they have verified the training completion and certification requirements of all employees, and any subcontractor's employees, who will work on the setting up, operation, or tearing down of the event.

(c) The requirements of this section shall not apply to a direct employee of the public events venue.

9252. (a) The division shall enforce this part by the issuance of a citation alleging a violation of this part and a notice of civil penalty in a manner consistent with Section 6317. Any person who receives a citation and penalty may appeal the citation and penalty to the appeals board in a manner consistent with Section 6319.

(b) Penalties shall only be assessed against an entertainment events vendor and shall not be assessed against an employee of an entertainment events vendor or an employee of a subcontractor for not completing the training or certification required by Section 9251.

(c) The entertainment events vendor citation under this section is in addition to any other penalties authorized under Title 8 of the California Code of Regulations.

(d) The division shall deposit the funds assessed pursuant to this section in the Occupational Safety and Health Fund established pursuant to Section 62.5.

9253. This part, or any related health and safety standard, does not prevent or limit an employer, contracting entity, or entertainment events vendor from adopting stricter safety standards.

9254. Nothing in this part relieves an employer from conducting any other training required under Title 8 of the California Code of Regulations and complying with any other occupational safety and health law or regulation, as applicable.