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**SB-1350 Occupational safety and health: definitions.** (2023-2024)

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**Senate Bill No. 1350**

**CHAPTER 895**

An act to amend Section 6303 of the Labor Code, relating to private employment.

[ Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1350, Durazo. Occupational safety and health: definitions.

Existing law, the California Occupational Safety and Health Act of 1973, provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over every employment and place of employment in this state which is necessary to enforce and administer all occupational health and safety laws and to protect employees. Existing law defines various terms for purposes of the act, including "employment," and for purposes of that term, the definition excludes household domestic service. Under specified circumstances, a violation of the act is a crime.

Beginning July 1, 2025, this bill would delete the above-referenced exclusion and would, instead, expand the definition of "employment" to additionally include household domestic service performed on a permanent or temporary basis, except for specified household domestic service, including, among others, those where an individual who, in their own residence, privately employs persons to perform ordinary domestic household tasks, including housecleaning, cooking, and caregiving.

By expanding the application of criminal penalties under the act to household domestic service employers, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

**SECTION 1.** Section 6303 of the Labor Code is amended to read:

**6303.** (a) "Place of employment" means any place, and the premises appurtenant thereto, where employment is carried on, except a place where the health and safety jurisdiction is vested by law in, and actively exercised by, any state or federal agency other than the division.

(b) "Employment" includes the carrying on of any trade, enterprise, project, industry, business, occupation, or work, including all excavation, demolition, and construction work, or any process or operation in any way related thereto, in which any person is

engaged or permitted to work for hire. "Employment" includes household domestic service performed on a permanent or temporary basis, but does not include any of the following:

(1) Household domestic service that is publicly funded, including publicly funded household domestic service provided to a recipient, client, or beneficiary with a share of cost in that service.

(2) Employment in family daycare homes, as defined in subdivision (a) of Section 1596.78 of the Health and Safety Code.

(3) Individuals who, in their own residences, privately employ persons to perform for the benefit of such individuals what are commonly regarded as ordinary domestic household tasks, including housecleaning, cooking, and caregiving.

(c) (1) "Employment," for purposes of this division only, also includes volunteer firefighting when covered by Division 4 (commencing with Section 3200) pursuant to Section 3361.

(2) This subdivision shall become operative on January 1, 2004.

(d) (1) The changes made to this section during the 2023–24 Regular Session of the Legislature shall become operative on July 1, 2025.

(2) The changes made to this section during the 2023–24 Regular Session of the Legislature do not change or otherwise modify the application of Sections 6310, 6311, and 6311.5 of this code or of Sections 3342 and 5199 of Title 8 of the California Code of Regulations.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.