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AB-434 Battery energy storage facilities. (2025-2026)

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AMENDED IN ASSEMBLY APRIL 02, 2025

AMENDED IN ASSEMBLY MARCH 25, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 434

Introduced by Assembly Member DeMaio

February 05, 2025

An act to add Part 9 (commencing with Section ~~14570~~ 14970) to Division 12 of the Health and Safety Code, and to amend Section 25545 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 434, as amended, DeMaio. Battery energy storage facilities.

Existing law authorize a person proposing an eligible facility, including an energy storage system that is capable of storing 200 megawatt-hours or more of energy, to file with the State Energy Resources Conservation and Development Commission an application for certification for the site and related facility, as provided. Existing law provides that the certification issued by the commission is in lieu of any permit, certificate, or similar document required by a state, local, or regional agency for the use of the site and related facility.

This bill would exclude energy storage facilities that use batteries as a storage medium from the above-described provisions.

This bill would prohibit, until January 1, 2028, a public agency from authorizing the construction of a battery energy storage facility, as defined. The bill would require the State Fire Marshal, on or before January 1, 2028, to adopt guidelines and minimum standards for the construction of a battery energy storage facility to prevent fires and protect nearby communities from any fire hazard posed by the facility. The bill would require a public agency, when authorizing the construction of a battery energy storage facility on or after January 1, 2028, to require the facility to meet the guidelines and minimum standards adopted by the State Fire Marshal or more stringent guidelines and minimum standards as determined appropriate by the public agency.

Because the bill would impose additional duties on local agencies in authorizing the construction of a battery energy storage facility, 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. *This act shall be known, and may be cited, as the Safe and Secure Battery Storage Act.*

~~SECTION 1. Part 9 (commencing with Section 14570) is added to Division 12 of the Health and Safety Code, to read:~~

SEC. 2. *Part 9 (commencing with Section 14970) is added to Division 12 of the Health and Safety Code, to read:*

PART 9. Battery Energy Storage Facilities

~~14570-14970.~~ For purpose of this part, the following definitions apply:

(a) "Battery energy storage facility" means a facility using commercially available energy storage technology capable of storing 200 megawatthours or more of electricity that uses a battery as the storage medium to provide energy onsite or offsite.

(b) "Public agency" includes a state agency, board, or commission, county, including a charter county, city and county, city, including, a charter city, regional agency, public district, redevelopment agency, or other political subdivision.

~~14571-14971.~~ On or before January 1, 2028, the State Fire Marshal shall adopt guidelines and minimum standards for the construction of a battery energy storage facility to prevent fires and protect nearby communities from any fire hazard posed by the battery energy storage facility.

~~14572-14972.~~ (a) On or before January 1, 2028, a public agency shall not authorize the construction of a battery energy storage facility.

(b) On and after January 1, 2028, when authorizing the construction of a battery energy storage facility, a public agency shall require that the construction of the battery energy storage facility meet the guidelines and minimum standards adopted pursuant to Section 14571 or more stringent guidelines and standards as determined appropriate by the public agency.

~~SEC. 2.~~ **SEC. 3.** Section 25545 of the Public Resources Code is amended to read:

25545. For purposes of this chapter, the following definitions apply:

(a) "California Native American tribe" has the same meaning as set forth in Section 21073.

(b) "Facility" means any of the following:

(1) A solar photovoltaic or terrestrial wind electrical generating powerplant with a generating capacity of 50 megawatts or more and any facilities appurtenant thereto.

(2) An energy storage system as defined in Section 2835 of the Public Utilities Code that is capable of storing 200 megawatthours or more of energy and that does not use a battery as a storage medium.

(3) A stationary electrical generating powerplant using any source of thermal energy, with a generating capacity of 50 megawatts or more, excluding any powerplant that burns, uses, or relies on fossil or nuclear fuels.

(4) A discretionary project as described in Section 21080 for which the applicant has certified that a capital investment of at least two hundred fifty million dollars (\$250,000,000) will be made over a period of five years and the discretionary project is for (A) the manufacture, production, or assembly of an energy storage system or component manufacturing, wind system or component manufacturing, and solar photovoltaic energy system or component manufacturing, or (B) the manufacture, production, or assembly of specialized products, components, or systems that are integral to renewable energy or energy storage technologies.

(5) An electrical transmission line carrying electricity from a facility described in paragraph (1), (2), or (3) that is located in the state to a point of junction with any interconnected electrical transmission system.

(6) A hydrogen production facility and associated onsite storage and processing facilities that do not derive hydrogen from a fossil fuel feedstock and that receive funding from any of the following:

(A) The Hydrogen Program established pursuant to Section 25664.1.

(B) Section 91530.

(C) The Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES) authorized by Article 15 (commencing with Section 12100.160) of Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, as awarded by the United States Department of Energy Office of Clean Energy Demonstrations.

(c) "Site" means a location on which an eligible facility is constructed or is proposed to be constructed.

~~SEC. 3.~~ **SEC. 4.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.