

RISE OF STATE REGULATIONS:

States Continue to Advance Employment-Related Regulations

Sexual Harassment Prevention

Since the #MeToo movement gained momentum in late 2017, state lawmakers across the country have been reviewing existing laws and regulations toward sexual harassment prevention in the workplace. The result has been a spike in legislative proposals including those restricting confidentiality and arbitration agreements, expanding protections to non-employees, and strengthening enforcement and prevention provisions to include mandatory policies and interactive training.

5 States plus D.C. and NYC have enacted laws to mandate sexual harassment prevention training for private employers:

California, Connecticut, Delaware, Maine, New York, NYC, Washington D.C.



Marijuana Laws

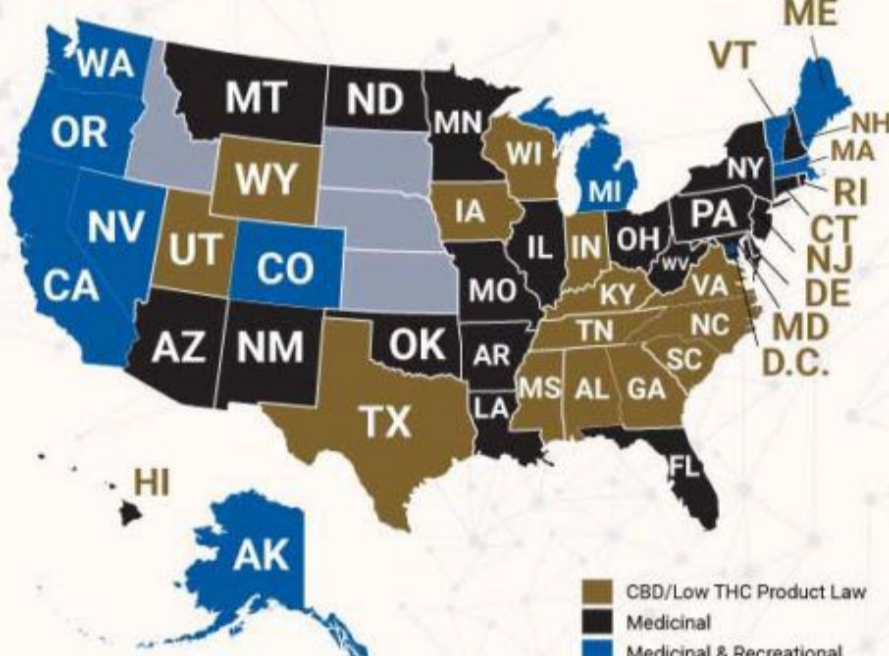
Though marijuana and marijuana-related products are generally considered Schedule I drugs under the Controlled Substances Act by the Drug Enforcement Administration, nearly every state (46) and Washington D.C. has enacted legislation allowing the consumption of marijuana or cannabidiol (CBD) with or without prescriptions.

46 STATES plus D.C. have enacted laws regarding the use of marijuana:

CBD/Low THC Product Law: Alabama, Georgia, Indiana, Iowa, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, Wyoming

Medicinal: Arizona, Arkansas, Connecticut, Delaware, Florida, Hawaii, Illinois, Louisiana, Maryland, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, West Virginia

Medicinal & Recreational: Alaska, California, Colorado, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont, Washington, Washington D.C.

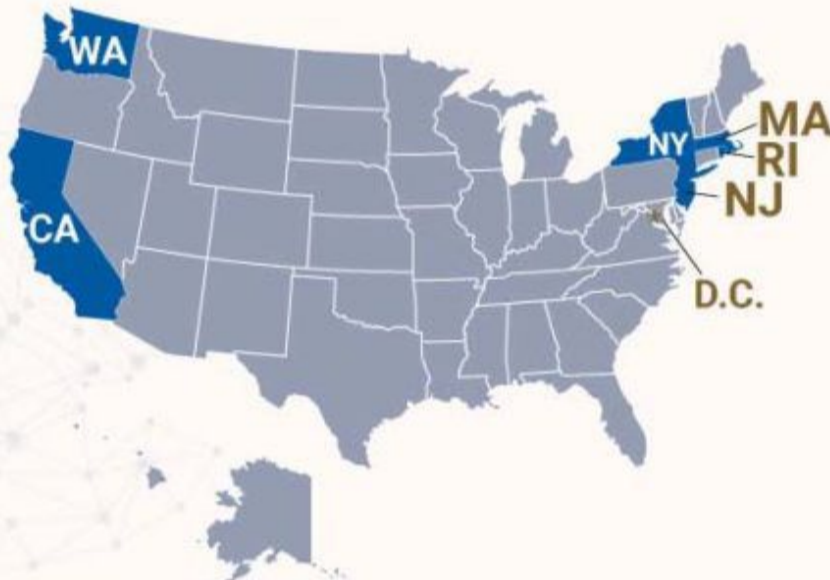


Paid Family and Medical Leaves

Though paid family leave legislation continues to lag behind the number of paid sick leave laws, the number of passed and proposed laws continues to grow. Currently six states and D.C. have passed paid family leave laws.

6 States plus D.C. have enacted laws about Paid Family Leave:

Rhode Island, California, New Jersey, New York, Washington, Massachusetts, and Washington, D.C.



Individual Mandate

As part of the December 2017 tax reform legislation, the federal individual mandate penalty was made zero beginning in January 2019. States are concerned that eliminating the individual mandate penalty will correlate to premium increases and decreased coverage levels in the individual market, so some states created a state-level individual mandate.

3 States plus D.C. have enacted laws: Massachusetts, New Jersey, Vermont, and Washington D.C.

6 States have proposed legislation: California, Connecticut, Maryland, Oregon, Rhode Island and Washington



State Retirement Plans

According to Paychex research, more than half (53 percent) of small business owners don't have a formal retirement savings program at their business. To combat this retirement savings gap, 10 states have enacted legislation to implement a retirement savings program for private-sector workers. An additional 31 states are conducting studies or have proposed legislation to do the same.

10 States with enacted legislation:

California (auto-IRA), Connecticut (auto-IRA), Illinois (auto-IRA), Maryland (auto-IRA), Massachusetts (Nonprofits-MEP), New Jersey (marketplace), New York (voluntary payroll deduction IRA), Oregon (auto-IRA), Vermont (MEP) and Washington (marketplace).

31 States with proposed legislation:

Arizona, Arkansas, Colorado, Georgia, Hawaii, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, New Hampshire, New Mexico, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming



Consumer Privacy Protection

In addition to laws dictating what a business must do when there is a breach of its customers' personal data, many states are enacting or considering requirements around what a business can do with the data it collects.

In 2018, California passed a comprehensive consumer privacy regulation (The California Consumer Privacy Act of 2018) in the United States, which will be effective next year. While there has been a push for a standard federal consumer privacy regulation, other states are following California's lead. While many states are contemplating privacy laws, 11 state legislatures currently have formally proposed consumer privacy regulations:

1 State with enacted legislation:

California

11 States with proposed legislation:

Florida, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, New Mexico, New York, Rhode Island, Texas, Washington

