



September 09, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

SUBJECT: SB 399 (Wahab) – REQUEST FOR VETO

Dear Governor Newsom:

The California Hospital Association (CHA), on behalf of more than 400 hospitals and health systems, requests your veto of Senate Bill (SB) 399 (Wahab) which would significantly limit a hospital's ability to communicate with its employees regarding "political" or "religious" matters — including pending legislation, regulation, and union organizing.

SB 399 is simply unnecessary as it seeks to solve a problem that does not exist. California law already protects workers from employer coercion relating to political and religious beliefs or activities, and the National Labor Relations Act (NLRA) provides workers with strong protections surrounding their right to organize. SB 399 does not complement existing law, but rather, creates unintended consequences that will have a rippling effect on hospital operations, workplace safety, and patient care.

California hospitals are among the most highly regulated employers in the state, making compliance with pending and current laws, regulations, and orders critical. However, SB 399 will prevent hospitals from requiring employees to attend "an employer-sponsored meeting" or "participate in, receive, or listen to any communications with the employer" where the purpose is to communicate the employer's opinion "about" political matters. This includes meetings or communications about any pending legislative or regulatory proposals that will impact hospital operations. Prohibiting such critical communications is not only detrimental to patient care but also to a hospital's legal obligation to comply with laws and regulations that will impact them.

As we saw during the COVID-19 pandemic, it was crucial for hospitals to be able to communicate with their workers on pending rules and orders, and how those rules impacted worker safety and patient care. However, SB 399 will prevent a hospital from requiring employee attendance at meetings regarding pending laws and regulations that may impact their job duties and the delivery of patient care.

In addition, SB 399 is preempted by the NLRA and runs afoul of the First Amendment, so it is certain to face a legal challenge — a sheer fact that raises questions about the need for this bill. Similar laws have been enacted four times in other states, all of which have been challenged. One was struck down, one was

repealed because the state *agreed* that the provision was preempted by the NLRA, one lawsuit was dismissed solely based on a ripeness issue, and the fourth is presently in litigation. It simply makes no sense for California, a state often viewed as a leader in public policy, to enact a law that does more harm than good.

For these reasons, CHA asks for your veto of SB 399.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Scott', with a long horizontal flourish extending to the right.

Kathryn Scott
Senior Vice President, State Relations and Advocacy

cc: The Honorable Aisha Wahab, California State Senate District 10
Mary Hernandez, Chief Deputy Legislative Secretary, Office of Governor Gavin Newsom