



August 9, 2021

The Honorable Rob Bonta
California Attorney General
1300 I Street
Sacramento, CA 95814

Delivered via electronic mail

Attorney General Bonta:

The statewide business community has been at the forefront, pushing to vaccinate our employees and customers since safe and effective vaccines were made available earlier this year. While many large companies have begun to implement vaccine requirements on their employees, there are significant legal barriers and questions that must be addressed in order to protect businesses working to encourage—or potentially mandate—vaccines.

California is consistently at the top of the country's most litigious states, holding businesses back from being forward-leaning on critical issues, including pushing more aggressive vaccine requirements for the state's vaccine-eligible population. Clear and decisive action from your office to protect businesses is needed in this critical time to protect employers, employees and customers.

The U.S. Department of Justice has issued guidance that a private business can mandate COVID-19 vaccines, even while they are under Emergency Use Authorization by the FDA. However, since California businesses are subjected to many unique laws, reaffirmation from the California Attorney General that businesses are legally protected is necessary. Even the California Community Colleges General Counsel has opined that they are not sure they can legally mandate the vaccine for employees and students because of these laws. Clarity is needed now.

Additionally, California employment laws, especially privacy and discrimination laws, pose a significant legal threat to businesses seeking to enhance their vaccine efforts. While we have asked the governor and Legislature to address these issues, guidance from your office is also critical. Employers need assurance that they will not be subject to expensive litigation and will be held harmless during this unprecedented time.

Lastly, as the state's "top cop," we are asking for you to lend your voice in supporting employers and employees enforcing mask or vaccine mandates by making clear the state has a zero-tolerance policy against those harassing or assaulting a business owner or employee. We are also asking you to support our call for sentencing enhancements against individuals who harm employees or business owners attempting to enforce COVID-related regulations.

We look forward to having you immediately join our efforts to increase vaccination rates by providing these critically needed protections.

We look forward to your immediate response.

Sincerely,

Robert C. Lapsley
President
California Business Roundtable

Lynn S. Mohrfeld
President & CEO
California Hotel & Lodging Association

Rachel Michelin
President & CEO
California Retailers Association

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President & CEO
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cc: Members, California State Legislature
The Honorable Gavin Newsom, California Governor
Dr. Mark Ghaly, California Department of Public Health
Ms. Dee Dee Myers, Governor's Office of Business and Economic Development