

# Employers State Law Alert

Summarizing Significant New Employment Laws & Regs in All 50 States



**Colorado** passes legislative ban on physician noncompete agreements, **p. 3.**  
**Florida's** CHOICE Act marks unprecedented shift in future of noncompetes, **p. 4.**  
**Texas** Legislature takes its first steps at regulating AI, **p. 9.**  
 Statutory developments by state, **p. 2.**  
 Regulatory developments by state, **p. 11.**

## Hoping to avoid age bias claims? Be sure to study state as well as federal laws

by Tammy Binford

A look back in time more than 60 years ago would show help wanted ads frequently including age restrictions. Age also was a topic of discussion in job interviews, and mandatory retirement ages were common in employer policy manuals.

But the federal Age Discrimination in Employment Act of 1967 (ADEA) changed all that. Now, federal law prohibits most employers with at least 20 employees from discriminating against employees or applicants because

they are 40 years old or older. The law makes exceptions for certain jobs.

For decades now, employers have focused on compliance with the ADEA. But state laws—many predating the 1967 federal law—also weigh in on discrimination based on age.

### A LOOK AT STATE LAWS

Many state laws—like the federal law—apply to people age 40 and older, but a few apply to people 18 and older. A few other states have laws that have an upper age limit, such as 70 or 75.

Many laws cover characteristics in addition to age, such as race, religion, sex, and disability, and they offer similar protections—the most common difference being which employers are covered. Other differences include what kinds of remedies are available, filing deadlines, and what agencies are involved.

Online legal information provider Justia has compiled a list of state laws covering age, as well as other forms of discrimination in employment. Here's a look at the basics of each state's laws as reported by Justia.

**Alabama's** law covers age but no other characteristics, and it covers employers with 20 or more employees. **Alaska's** law applies to employers of all sizes. **Arizona's** law covers several characteristics, including age 40 and older,

### In this Issue:

#### STATUTES

<b>Alabama</b>	
Employee Benefits.....	2
<b>Colorado</b>	
Legislation.....	3
Wages.....	3
<b>Florida</b>	
Legislation.....	4
<b>Hawaii</b>	
Public Employers:	
Employee Benefits.....	5
Wages.....	5
<b>Indiana</b>	
Unemployment Compensation...	6

<b>Maryland</b>	
Employee Benefits.....	6
Workers' Compensation.....	6
<b>Montana</b>	
Hiring.....	6
Workers' Compensation.....	7
<b>Oklahoma</b>	
Workers' Compensation.....	7
Labor Laws.....	7
Wages.....	7

<b>Oregon</b>	
Employee Benefits.....	8
Employment Discrimination.....	8
Professional Employer Organizations.....	8
Wage and Hour.....	9
Workers' Compensation.....	9
<b>Texas</b>	
Legislation.....	9
<b>Virginia</b>	
Employee Safety.....	10
<b>Washington</b>	
Employee Benefits.....	10
Employee Safety.....	10
Public Employers:	
Employee Benefits.....	10

#### REGULATIONS

<b>Alabama</b>	
Licensure.....	11
<b>Alaska</b>	
Healthcare Professionals.....	11
<b>California</b>	
Agricultural Labor.....	12
<b>Colorado</b>	
Licensure.....	12
Unemployment.....	12
<b>Florida</b>	
Licensure: Professional Ethics...	12
<b>Indiana</b>	
Licensure.....	12
<b>Iowa</b>	
Licensure.....	13
Occupational Safety.....	13

<b>Kentucky</b>	
Occupational Safety.....	13
<b>Michigan</b>	
Occupational Safety.....	13
<b>New York</b>	
Inspections.....	13
<b>North Carolina</b>	
Licensure: Healthcare Professionals.....	14
<b>Oregon</b>	
Wages.....	14
Workers' Compensation.....	14
<b>Wisconsin</b>	
Healthcare Professionals.....	14
Licensure.....	14

and applies to employers with at least 15 employees. In **Arkansas**, the law covers several characteristics but limits age discrimination protections to public employees 40 and older.

**California's** law applies to employers with at least five employees and covers people 40 and older. In **Colorado**, the law applies to almost all employers and includes individuals age 40 and older. Like California and Colorado, **Connecticut's** law covers age and other traits, but it applies to employers with at least three employees.

In **Delaware**, the law covers people 40 and older and employers with four or more employees. **Florida's** law applies to employers with 15 or more employees. **Georgia's** age discrimination law applies to individuals between 40 and 70, but it's a criminal law that doesn't provide a private cause of action. **Hawaii's** law covers employers of all sizes.

**Idaho's** law covers individuals 40 and older and applies to employers with five or more employees. **Illinois's** law also covers individuals 40 and older, but it applies to employers of all sizes. **Indiana's** law covers people between 40 and 75 and applies to employers with six or more employees. In **Iowa**, the law covers people 18 and older and applies to employers with four or more employees.

**Kansas'** law covers people 40 and older and applies to employers with four or more employees. In **Kentucky**, the law covers individuals 40 and older and applies to employers with eight or more employees. In **Louisiana**, the law covers people 40 and older and applies to employers with 20 or more employees.

In **Maine**, the law applies to employers of all sizes. **Maryland's** law applies to employers with 15 or more employees. **Massachusetts'** law covers individuals 40 and older and applies to employers with six or more employees. In **Michigan**, the law applies to employers of all sizes. **Minnesota's** law also applies to employers of all sizes, but it generally covers individuals 18 and older.

**Mississippi's** law offers age discrimination protections for public employees but not others. In **Missouri**, the law covers people between 40 and 70 and applies to employers with six or more employees. **Montana's** law applies to employers of all sizes.

In **Nebraska** and **Nevada**, the law covers people 40 and older and applies to employers with 15 or more employees. **New Hampshire's** law applies to employers with six or more employees. In **New Jersey**, the law covers people 18 and older and applies to employers of all sizes. **New Mexico's** law applies to employers with four or more employees and is limited by the New Mexico Supreme Court to individuals 40 and older. In **New York**, the law covers people 18 and older and applies to employers of all sizes.

The **North Carolina** law covers individuals 40 and older and applies to employers with 15 or more employees, but it doesn't provide a statutory cause of action, nor can an employee in the private sector file a charge with a state agency. However, the law may support a common-law claim based on a violation of public policy.

In **North Dakota**, the law covers people 40 and older and applies to employers of all sizes. In **Ohio**, the law protects people 40 and older and applies to employers with four or more employees. **Oklahoma's** law also protects people 40 and older, but it applies to employers of all sizes. In **Oregon**, the law protects people 18 and older and applies to employers of all sizes.

In both **Pennsylvania** and **Rhode Island**, laws cover individuals 40 and older and apply to employers with four or more employees. **South Carolina's** law protects those 40 and older and applies to employers with 15 or more employees. **South Dakota's** antidiscrimination law does not cover age.

In **Tennessee**, the law covers those 40 and older and applies to employers with eight or more employees. The **Texas** law covers those 40 and older and applies to employers with 15 or more employees.

**Utah's** law protects those 40 and older and applies to employers with 15 or more employees. In **Vermont**, the law covers those 18 and older and applies to employers of all sizes. In **Virginia**, the law covers individuals 40 and older and covers employers with 15 or more employees.

**Washington's** law covers people 40 and older and applies to employers with eight or more employees. **West Virginia's** law covers people 40 and older and applies to employers with at least 12 employees. **Wisconsin's** law covers people 40 and older and applies to employers of all sizes. **Wyoming's** law covers individuals 40 and older and applies to employers with two or more employees.

## STATUTES

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### Alabama

#### EMPLOYEE BENEFITS

##### **Creates crime of aggravated theft of employee retirement benefits**

This law establishes the crime of aggravated theft of employee benefits. A person commits the crime of aggravated theft of employee retirement benefits if the person embezzles, steals, or unlawfully and willfully abstracts or converts to his or her own use or to the use of another, any of the monies, funds, premiums, credits, or other assets due to be paid as contributions

to any employee retirement benefit plan, or to any fund connected with an employee retirement benefit plan.

**Cite:** 2025 AL SB244, AL Pub. Ch. 367 (3 pages)

**Enacted:** 5/13/2025

**Effective:** 10/1/2025

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## Colorado



### ANALYSIS

#### LEGISLATION

#### Future of physician noncompetes in Colorado: Existing agreements

by Joseph Robertson, Holland & Hart LLP

*On May 8, 2025, the Colorado General Assembly passed a legislative ban on physician noncompete agreements with little opposition and sent it to Governor Jared Polis. By the time this article goes to print, the governor likely will have decided whether to sign it into law.*

#### BEFORE THE NEW BILL

**SB 25-083** presents the latest step in Colorado's march toward severely restricting noncompete provisions in employment agreements (also known as restrictive covenants or covenants not to compete). If signed into law, the bill would prohibit employers from enforcing noncompete agreements against MDs, DOs, advanced practice registered nurses, dentists, and licensed midwives (collectively, healthcare providers).

Currently, Colorado law allows covenants not to compete for physicians in employment, partnership, or corporate agreements but only to the extent that the covenants allow for the recovery of damages related to competition. In other words, physicians can't be prevented from practicing medicine.

Healthcare practices often rely on the existing law and include liquidated damages provisions in employment and partnership agreements. These provisions establish a set amount of damages that physicians must pay if they leave their former practice to join a competing practice within a specific time and geographic area.

Such provisions aren't always enforceable, however, because they must be reasonable in scope. Liquidated damages won't be awarded if the employer can't prove a reasonable relationship between the amount of damages claimed and the amount of damages it actually suffered. Notwithstanding these imperfections, noncompete provisions provide a tool for healthcare practices to prevent what they view as unfair competition from a physician leaving a practice.

#### WHAT THE NEW BILL DOES

Under the new bill, healthcare providers receive special protection from noncompete provisions, with no exceptions for highly compensated individuals, trade secrets, or nonsolicitation clauses. The bill specifically allows healthcare providers to notify former patients of their new employment and of the patients' right to select a provider of their choice, which is more in line with Colorado Medical Board policies. As a result, assuming the bill is signed, healthcare providers can leave a practice at any time, enter another practice regardless of location, and notify patients of their new practice.

The only types of noncompete provisions that may be enforced against a healthcare provider moving forward will be those related to the sale of a business. The bill strengthens current restrictions on these agreements based on the withdrawing partner's, member's, or owner's recent compensation.

The immediate concern of medical practice groups and other employers of healthcare providers is the effect of the bill on existing noncompetes. Agreements entered into before the bill's effective date will not be invalidated. Courts have interpreted past amendments of Colorado's noncompete statute as applying prospectively, which is the typical rule for statutory amendments. Consequently, the bill wouldn't affect agreements entered into on or after the effective date of the bill: 12:01 a.m. on August 6, 2025 (assuming Polis signs it). Although the bill will apply prospectively, be aware that if you amend or otherwise modify an existing agreement on or after August 6, the new law could apply to that agreement even though it was originally signed before August 6.

#### BOTTOM LINE

Regardless of whether the bill becomes law, healthcare practices should reevaluate whether their employment agreements and partnership agreements comply with Colorado law in light of the existing and prospective barriers to enforcing noncompete agreements, especially those applying to healthcare providers.

*Excerpted from Colorado Employment Law Letter*

*John M. Husband, Juan Obregon, and Dana Dobbins, Editors  
Holland & Hart LLP*

#### WAGES

#### Enforcement of wage and hour laws

This law amends the definition of "employer" for purposes of wage and hour laws to include an individual who owns or controls at least 25% of the ownership interest in an employer. The law prohibits an employer from making a payroll deduction below a worker's

applicable minimum wage. It also allows the director of the division of labor standards and statistics (division) to waive the penalty for an employer's failure to pay claimed wages or compensation within 14 days after a written demand if certain specified conditions are met. The law requires a court to find that an employee pursued a wage claim that lacked substantial justification before awarding an employer reasonable costs and attorney fees in a civil action for unpaid wages or compensation. In such an action, the court may pursue all equitable relief to deter future violations and prevent unjust enrichment. The law requires the director to publish on the division's website the names of all employers found to be in violation and whether the violation was willful and if the violation was willful and is not remedied within 60 days after the division's finding that there was a violation, the division must notify all government bodies with the authority to deny, withdraw, or otherwise limit or impose remedial conditions on the employer's license, permit, registration, or other credential of the unremedied willful violation. Additionally, the division may report an employer found to have violated a law related to wages and hours to any government body with authority to deny, withdraw, or otherwise limit or impose remedial conditions on the employer's license, permit, registration, or other credential. The law also repeals language requiring the division to issue a determination on a wage complaint within 90 days and clarifies that a city or county may enact and enforce wage laws within the city or county's jurisdiction. Fines are established for employers found to have misclassified an employee as a nonemployee. The law also decreases the amount of time the division must wait before paying an employee out of the wage theft enforcement fund from 6 months to 120 days.

Current law prohibits an employer from discriminating or retaliating against an employee for taking protection under wage and hour laws or the law related to the employment of minors. This law expands this provision to specify additional protected behavior and expands the prohibition to include other persons in addition to employers. The law requires a fact finder to consider the time between an individual's exercise of a protected activity and an employer's adverse action when determining whether an employer has retaliated against the employee or worker. The law also allows the division to order reasonable attorney fees and costs after investigating a discrimination or retaliation claim.

**Cite:** 2025 CO HB1001 (10 pages)

**Enacted:** 5/22/2025

**Effective:** 8/6/2025

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[Return to TOC](#)

## Florida



### ANALYSIS

#### LEGISLATION

## CHOICE Act marks unprecedented shift in future of noncompetes in Florida

by Laurie M. Riley, Luis E. Llamas, and Hailey Dennis,  
Jones Walker LLP

*On April 24, the Florida Legislature passed House Bill 1219, marking a new, even more employer-centric era for noncompete agreements and other restrictive covenants in the Sunshine State. The bill, titled "Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act," expands and builds on Florida's current noncompete statute, adding two new provisions that broaden employers' abilities to enforce noncompete agreements in employment contracts: covered garden leave agreements and covered noncompete agreements.*

### COVERED GARDEN LEAVE AGREEMENTS

The Act's covered garden leave provision allows employers to keep employees on the payroll during the "notice period," i.e., the period after employees give notice that they intend to end the employment relationship but before the set date of termination. Although employers have an obligation to continue to pay employees during the "garden period," they aren't required to provide any discretionary incentive compensation.

In addition, an employer can restrict employees on garden leave from performing any work for both the employer enforcing the agreement and additional employers, regardless of the nature of the work.

In short, the CHOICE Act provides that employees must give their employer a predetermined amount of notice before ending their employment. Notably, under the Act, employers can set an employee's notice period to begin up to four years before termination, although employers can reduce or extinguish it with 30-day written notice to the employee. Finally, the employee must be given at least seven days to consider the agreement and the right to have a lawyer review it and acknowledge the receipt of confidential information or customer relationships.

### COVERED NONCOMPETE AGREEMENTS

Under the covered noncompete provision of the CHOICE Act, employers can restrict employees who meet certain financial and compensation thresholds from engaging in competition in a specified geographic area for up to four years after the end of employment. However, this

“specified” geographic area is defined at employers’ discretion, and there’s no requirement that the restrictions be narrowly tailored or even reasonable. In theory, this allows a worldwide geographic scope.

As with a garden leave agreement, for a covered noncompete to be enforceable, employees must be given at least seven days to review the agreement and must be told of their right to obtain legal counsel. In addition, employees must be informed and acknowledge that as part of their role, they’ll be privy to confidential information or trade secrets.

If an employee breaches the employment agreement, under the Act, the employer is entitled to immediate injunctive relief, as well as monetary damages. It’s then the employee’s burden to establish, by clear and convincing evidence, that:

- The employer failed to perform a duty under the agreement;
- The employee won’t engage in similar work or use any previously obtained confidential information or customer relationships obtained during their previous employment; and
- The new or prospective employer isn’t involved in or preparing to enter a business similar to that of the employer enforcing the restriction.

## COVERED EMPLOYEES

Notably, the CHOICE Act doesn’t affect all employees. To be subject to the Act, employees (which include independent contractors) must be classified as “covered employees,” defined as individuals who either earn or are expected to earn over twice the annual mean wage of the county where the employer has its principal place of business.

In the event an employee works for a foreign corporation or an out-of-state employer but resides in Florida, the wage threshold is determined using the mean wage in the county of the employee’s residence. The CHOICE Act also creates a blanket exemption for defined healthcare practitioners.

## WHAT’S NEXT FOR EMPLOYERS?

The CHOICE Act, which is expected to be signed by Governor Ron DeSantis in the coming days, will take effect on July 1. In the meantime, it’s critical that you assess and revise your employment agreements to ensure they’re in compliance with the procedures laid out by the Act. Although the CHOICE Act broadens the scope of permissible noncompete agreements, it also lays out specific technical requirements you must follow to ultimately enforce these agreements.

Additionally, before attempting to get an independent contractor to enter into a CHOICE Act agreement, you should consult with your lawyers to assess whether this would affect the person’s classification as either an “independent contractor” or an “employee.” Finally, employers in multistate businesses should be aware that litigation will likely be filed by employees located in other states if those states have laws that conflict with Florida’s approach to noncompete agreements.

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*Excerpted from Southeast Employment Law Letter*

*H. Mark Adams and Jennifer Kogos, Editors*

*Jones Walker LLP*

## Hawaii

### PUBLIC EMPLOYERS: EMPLOYEE BENEFITS

#### Retirement benefits

This law clarifies the definition of “covered employer” under the Hawai‘i Retirement Savings Act. It requires covered employers to automatically enroll covered employees into the Hawai‘i Retirement Savings Program unless the employee opts out. The law repeals the limit on the total fees and expenses that can be spent for the program each year.

**Cite:** 2025 HI SB855, HI Pub. Ch. 113 (10 pages)

**Enacted:** 5/29/2025

**Effective:** 1/1/2025

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### WAGES

#### Violations of wage and hour law

This law requires the Department of Labor and Industrial Relations to issue an order of wage payment violation to employers found to be in violation of the state’s wage and hour Law. The law establishes penalties, enforcement, and appeal procedures. It also amends the definition of “wage” to clarify that it means compensation for labor or services rendered by an employee, regardless of how it is calculated.

**Cite:** 2025 HI SB1454, HI Pub. Ch. 115 (10 pages)

**Enacted:** 5/29/2025

**Effective:** 5/29/2025

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## Indiana

### UNEMPLOYMENT COMPENSATION

#### Various changes

This law amends the definitions of “discharge for just cause”, “employment”, and “gross misconduct” for purposes of unemployment insurance. The law provides that an unemployment claimant: is required to verify the claimant’s identity before a claim can be filed, and as a condition for continued eligibility; and has the right to request a wage investigation and to appeal the results of the investigation to a liability administrative law judge. The law allows an unemployment claimant or employing unit to appeal regarding the claimant’s status as an insured worker. It requires that all hearings before an administrative law judge or the unemployment insurance review board concerning disputed unemployment claims be set as telephone hearings, unless an objection is made. The law allows a disputed unemployment claim to be directly filed with a liability administrative law judge. It provides that administrative records of the department of workforce development (department) are self-authenticating and admissible in an administrative hearing. Requires the department to annually submit a report to the budget committee detailing the expenditures made from the fund during the previous state fiscal year.

**Cite:** 2025 IN SB371, IN Pub. Ch. 200 (57 pages)

**Enacted:** 5/6/2025

**Effective:** 7/1/2025

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## Maryland

### EMPLOYEE BENEFITS

#### Modifies paid family and medical leave program (FAMLI program)

This law delays implementation of the FAMLI program. The start date for employee and employer contributions has been postponed from July 1, 2025, to January 1, 2027. The law also creates a new “anchor date” to determine eligibility and benefit calculations. This date is defined as the earlier date of when leave begins or when a completed application for benefits is submitted. The wage rate for the employee will then be based on the highest of the previous four calendar quarters immediately preceding the anchor date. The law removes previous requirements for self-employed individuals to participate in the program and establishes a new optional enrollment program.

**Cite:** 2025 MD HB102, MD Pub. Ch. 363 (9 pages)

**Enacted:** 5/6/2025

**Effective:** 6/1/2025

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[Return to TOC](#)

### EMPLOYEE BENEFITS

#### Parental leave

This law clarifies that the definition of “employer” under the state’s parental leave law, does not include those covered by the federal Family and Medical Leave Act, which applies to employers with fifty or more employees anywhere, in the current year.

**Cite:** 2025 MD SB785, MD Pub. Ch. 296 (2 pages)

**Enacted:** 5/6/2025

**Effective:** 10/1/2025

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### WORKERS’ COMPENSATION

#### Release of information

This law expands the list of entities authorized to receive certain information related to specified workers’ compensation claims to include the Uninsured Employers’ Fund, the Subsequent Injury Fund, and their agents. The law also expands the information that must be authorized to be shared with these and other entities involved in those workers’ compensation claims.

**Cite:** 2025 MD SB830, MD Pub. Ch. 308 (4 pages)

**Enacted:** 5/6/2025

**Effective:** 10/1/2025

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## Montana

### HIRING

#### Requires verification of legal status of prospective employees

This law creates the Legal Employment and Government Accountability law. It requires employer verification of legal ability to work in the United States of all employees prior to commencement of work by either using the E-Verify program or a completed I-9. The law authorizes the Department of Labor and Industry to enforce the new provisions and creates civil penalties for violations.

**Cite:** 2025 MT HB226 (6 pages)

**Enacted:** 5/1/2025

**Effective:** 7/1/2025

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### WORKERS’ COMPENSATION

#### Employees’ use of vehicle for work

As many employers now pay mileage or a base amount for mileage to their employees for travel, this law clarifies that by doing this, the employee is not automatically

covered by workers' compensation any time they are in that vehicle. This also applies if the employer is furnishing transportation to the employee.

**Cite:** 2025 HB367 (11 pages)

**Enacted:** 5/1/2025

**Effective:** 5/1/2025

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#### WORKERS' COMPENSATION

### Revises workers' compensation coverage requirements

This law revises the definition of employer for the purposes of workers' compensation coverage so that more entities will be included as employers for the purpose of providing workers' compensation insurance.

**Cite:** 2025 MT HB428 (10 pages)

**Enacted:** 5/1/2025

**Effective:** 10/1/2025

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#### WORKERS' COMPENSATION

### Workers' Compensation judge

This law transfers the workers' compensation judge from the Department of Labor and Industry to the judicial branch. It provides for supervision and administration by the Supreme Court. The law creates a workers' compensation court fund and provides for an annual transfer of funds to this fund.

**Cite:** 2025 MT HB516, MT Pub. Ch. 688 (12 pages)

**Enacted:** 5/13/2025

**Effective:** 7/1/2025

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## Oklahoma

#### LABOR LAWS

### Agriculture, ranching and horticulture employers

This law increases the maximum gross annual payroll limit for agriculture, ranching, and horticulture employers from \$100,000 to \$150,000 before their workers are counted as employees under the Administrative Workers' Compensation Act. The measure also exempts children working on a farm, ranch, livestock market, or other agricultural businesses owned by their parents from being classified as employees.

**Cite:** 2025 OK SB1076 (17 pages)

**Enacted:** 5/12/2025

**Effective:** 11/1/2025

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#### WAGES

### Minimum tip wage

This law removes the 50 percent cap on how much of an employee's minimum wage can be covered by tips, meals, or lodging. The measure allows employers to count these benefits toward the minimum wage as long as they pay at least the federal minimum wage requirement of \$2.13 per hour in cash. Additionally, if an employee's minimum wage exceeds the current federal minimum, any tips, meals, or lodging received can also be credited toward their minimum wage.

**Cite:** 2025 OK SB250 (2 pages)

**Enacted:** 5/26/2025

**Effective:** 11/1/2025

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#### WORKERS' COMPENSATION

### Various changes

This law clarifies that nothing in the Administrative Workers' Compensation Act shall affect any provision in an executed contract that requires the employer or prime contractor of the employer, to indemnify, defend, or hold harmless another person or entity against liability for an injury, illness, or death of an employee. The measure provides that a general contractor and subcontractor may enter into a written agreement under which the general contractor provides workers' compensation insurance coverage to the subcontractor as well as his or her employees. If the subcontractor does not have employees, the subcontractor shall be treated as an employee of the contractor for the purposes of the Administrative Workers' Compensation Act. The law also provides for the actual premiums to be deducted from the contract price or other amount owed to the subcontractor by the general contractor. The law specifies that a subcontractor or subcontractor's employee retains the right to recover from another subcontractor or subcontractor's employee. The law also increases the maximum weekly compensation paid to workers who have a temporary total disability from \$360.00 per week to \$375.00 per week beginning July 1, 2025.

**Cite:** 2025 OK SB642 (14 pages)

**Enacted:** 5/23/2025

**Effective:** 5/23/2025

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## Oregon

### EMPLOYEE BENEFITS

#### Modifies paid leave provisions

The measure makes administrative and technical modifications within Paid Leave Oregon and the Oregon Family Leave Act (OFLA). It specifies that the Bureau of Labor and Industries (BOLI) is responsible for administrative and regulatory oversight for specified job protection, retaliation, and discrimination provisions within Paid Leave Oregon and may adopt any necessary rules. The law tolls the applicable statute of limitation period for filing a complaint with BOLI or filing a civil action alleging a violation of specified job protection, retaliation, and discrimination provisions within Paid Leave Oregon if the claimant files an appeal within Paid Leave Oregon for the period of time the appeal is pending. The law also defines “child” for purposes of protected leave taken from work to care for a child of the employee who is suffering from an illness, injury, or condition that requires home care or requires home care due to closure of the child’s school or child care provider as a result of a public health emergency within the Oregon Family Leave Act (OFLA). The law permits an employee to begin taking OFLA leave without prior notice when leave is required because of the closure of the employee’s child’s school or child care provider due to a public health emergency unless declaration of the public health emergency was issued by the Governor at least 30 days before commencement of leave.

It permits the Oregon Employment Department (OED) to disclose Paid Leave Oregon benefit amount information of employees to the extent necessary for the employer to calculate full wage replacement during a period of leave taken under Paid Leave Oregon. The law allows an employer to require that an employee receive certification from the employee’s health care provider that the employee is able to resume work before restoring the employee to work after a period of medical leave within Paid Leave Oregon if the certification is pursuant to a uniformly applied practice or policy of the employer. The law also permits the use of statutory sick time for any qualifying purpose within Paid Leave Oregon.

**Cite:** 2025 OR SB69, OR Pub. Ch. 85 (9 pages)

**Enacted:** 5/14/2025

**Effective:** 1/1/2026

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### EMPLOYEE BENEFITS

#### Paid leave program

This law specifies actions an authorized agent may take on behalf of a deceased or incapacitated person within

Paid Leave Oregon if the person was a covered individual who became deceased or incapacitated before submitting a claim for Paid Leave Oregon benefits or before the Director of the Employment Department (OED) made a final decision regarding a pending or existing claim for benefits. It directs the director of OED to adopt rules to implement this provision and specifies what those rules must be included at a minimum. The law defines the terms “authorized agent” and “incapacitated.” It also clarifies that employers and employees do not have to make contributions into Paid Leave Oregon when the employer has an approved equivalent plan for any quarter beginning on or after the effective date of the approved plan, and for the duration of the approved plan.

**Cite:** 2025 OR SB858, OR Pub. Ch. 93 (8 pages)

**Enacted:** 5/14/2025

**Effective:** 1/1/2026

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### EMPLOYMENT DISCRIMINATION

#### Prohibits age discrimination in hiring

The law makes it an unlawful employment practice for an employer, prospective employer, or employment agency, prior to completing an initial interview or making a conditional offer of employment, to request or require disclosure of an applicant’s age or date of birth or when an applicant attended or graduated from any educational institution. The law permits the information to be requested if it is necessary to affirm that the applicant meets bona fide occupational qualifications or to comply with any provision of federal, state or local law, rule or regulation.

**Cite:** 2025 OR HB3187 (4 pages)

**Enacted:** 5/22/2025

**Effective:** 1/1/2026

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### PROFESSIONAL EMPLOYER ORGANIZATIONS

#### Worker leasing company

The measure replaces the term “worker leasing company” with “professional employer organization” (PEO) to reflect use of PEOs as a person that assumes specified employment responsibilities for some or all of a client’s workers under contract.

**Cite:** 2025 OR HB2800 (24 pages)

**Enacted:** 5/14/2025

**Effective:** 7/1/2027

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**WAGE AND HOUR****Employee notification**

This law requires an employer to provide all employees, at the time of hire, a written explanation of earnings and deductions shown on the required itemized statements provided to employees on regular paydays and at other times there are payment of wages, salary, or commission. It specifies what the written explanation must include how an employer may provide this information to employees. The law requires employers to review and update this information by January 1 of each year. It directs the Bureau of Labor and Industries (BOLI) to develop and make available to employers a model written guidance document that employers may use and customize to satisfy this requirement. The law permits the BOLI Commissioner to assess a civil penalty not to exceed \$500 against any person who violates this written explanation requirement.

**Cite:** 2025 OR SB906 (4 pages)

**Enacted:** 5/28/2025

**Effective:** 1/1/2026

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**WORKERS' COMPENSATION****Limitations on fees and costs**

The law increases the limit on witness fees, expenses, and costs for a claimant who prevails against a denial of a workers' compensation claim to no more than \$3,500 unless the claimant demonstrates extraordinary circumstances justifying payment of a greater amount. The law provides methodology for adjusting the amount that may not be exceeded without demonstrating extraordinary circumstances. The amount shall be adjusted annually on July 1 by the percentage increase, if there is any, in the average weekly wage as most recently computed by the Oregon Employment Department and rounded to the nearest multiple of \$100.

**Cite:** 2025 OR HB2799 (2 pages)

**Enacted:** 5/17/2025

**Effective:** 1/1/2026

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**Texas****ANALYSIS****LEGISLATION****Texas Legislature takes its first steps at regulating AI**

by Ana Patricia Elizondo, Monty & Ramirez, LLP

*After being left for three weeks pending in committee, House Bill (HB) 149 was reconsidered by the Texas Senate and was promptly passed in days, barely making the legislative deadline.*

*The bill is the first of its kind within the Texas Legislature and aims to establish guardrails for artificial intelligence (AI) within the Lone Star state without burdening employers.*

**CUTTING IT CLOSE**

The Texas Legislature narrowly met its deadline of June 2, 2025, with both chambers signing the bill on June 1 and sending it to Governor Greg Abbott's desk the next day.

Every two years, the Texas Legislature introduces and votes on legislation for a 140-day lawmaking session. This year, the session ran from January 14 through June 2.

During these 140 days, the 89th Texas Legislature introduced thousands of bills, read them in the House or Senate chamber, referred them to a committee, and voted to either approve or reject the bills as Texas law. Among the many bills was HB 149, also referred to as the Texas Responsible Artificial Intelligence Governance Act (TRAIGA).

**WHAT IS HB 149?**

If Abbott signs HB 149 into law, Texas will join a number of other states regulating the use of AI starting January 1, 2026. The bill won't impose burdens on employers but will create the Texas Artificial Intelligence Council to ensure AI systems are in the public's best interest and don't harm public safety.

The 10-member advisory body will monitor AI use across state agencies, flag harmful practices, recommend legislative updates, and identify rules that may be affecting innovation. The bill is expected to create 20 new full-time staff positions, including 12 in the state attorney general's office and eight within the Department of Information Resources.

Other than new jobs, HB 149 will require government agencies to disclose when Texans are interacting with an AI system on a state agency website. The bill also bans state agencies from using AI to carry out "social scoring," or classifying people based on behavior or characteristics and then ranking them based on this data. Also, the bill will prohibit AI systems from censoring or limiting access to political content.

For tech developers, HB 149 will prohibit the intentional development of AI to unlawfully discriminate against a protected class or to intentionally encourage a person to commit physical self-harm, harm another person, or engage in criminal activity. Developers can use biometric identifiers, such as a person's iris scan, fingerprint, or voiceprint or a record of the person's hand or face geometry, to train their AI technology, but they can't use biometric identifiers for commercial purposes without the individual's consent. There is an exception, however, if the images are published or made available by the person to whom the biometric identifiers relate.

Finally, HB 149 makes it unlawful for developers to create AI that produces explicit deepfakes (AI-generated images, sounds, or videos that look or sound like real humans) of children or that engage in text-based conversations that simulate or describe sexual conduct while impersonating or imitating a child.

### AI ON THE BRAIN

As we saw this year, both the House and the Senate introduced several bills addressing AI, showing that AI is on the forefront of Texans' minds.

Even at the federal level, Americans are seeing AI legislation, with President Donald Trump signing the bipartisan Take It Down Act on May 19, 2025. The Act imposes penalties and makes it unlawful to publish or threaten to publish intimate images without a person's consent, including deepfakes. It also requires websites and social media companies to remove such material within 48 hours of notice from a victim and take steps to delete duplicates of the deepfake content.

### BOTTOM LINE

Laws like HB 149 and the Take It Down Act address current harms, but as AI—like most technologies—continues to grow, new threats will emerge. The law will follow.

*Excerpted from Texas Employment Law Letter*

*Jacob M. Monty, Daniel N. Ramirez, and Ana Patricia Elizondo, Editors*

*Monty & Ramirez, LLP*

## Virginia

### EMPLOYEE SAFETY

#### Liability of employer for personal injury or death by wrongful act.

This law provides that in an action for personal injury or death by wrongful act brought by a vulnerable victim against an employee, a finding that the employee's employer is vicariously liable for such employee's conduct shall be based on several factors, including the likelihood of the employee coming into contact with such vulnerable victim and the employer's failure to exercise reasonable care over the employee.

**Cite:** 2025 VA HB1730, VA Pub. Ch. 726 (2 pages)

**Enacted:** 5/2/2025

**Effective:** 7/1/2025

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## Washington

### EMPLOYEE BENEFITS

#### Expands access to accommodations

This law expands access to leave and safety accommodations to include workers who are victims of hate crimes or bias incidents.

**Cite:** 2025 WA SB5101, WA Pub. Ch. 375 (10 pages)

**Enacted:** 5/20/2025

**Effective:** 1/1/2026

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### EMPLOYEE SAFETY

#### Healthcare settings

This law requires healthcare settings to conduct a timely investigation of every workplace violence incident. An investigation must include an assessment aimed at identifying factors contributing to or causing workplace violence, including an assessment of: the details of the incident, such as the date, time, location, and nature of the conduct and harm; the details of any response and related remediation to prevent future incidents; and if applicable, a comparison of the actual staffing levels to the planned staffing levels at the time of incident. A healthcare setting must submit to its safety committee or workplace violence committee a summary of the following: the records collected for each incident and the findings of any investigations during the relevant time period, with any personal information de-identified in compliance with state and federal law; an analysis of any systemic and common causes of the workplace violence incidents; and any relevant recommendations for modifying the workplace violence prevention plan. Summaries must be sent at least quarterly, except certain entities may submit them twice yearly. Healthcare settings must conduct a comprehensive review and update of workplace violence prevention plans at least once per year, taking into account the findings and recommendations of the summaries.

**Cite:** 2025 WA HB1162, WA Pub. Ch. 303 (4 pages)

**Enacted:** 5/17/2025

**Effective:** 1/1/2026

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### PUBLIC EMPLOYERS: EMPLOYEE BENEFITS

#### Expands paid leave protections for workers

This law expands protections for workers in the state paid family and medical leave program. The minimum claim period to qualify for benefits is reduced to four consecutive hours. The method by which the Employment Security Department (ESD) calculates the size of an employer

for purposes of premium requirements and grant eligibility is modified. The law modifies the standards for employment protection. The employer size threshold is decreased over a three-year period, providing an eligible employee with protection if the employer has: 25 or more employees from January 1, 2026, to December 31, 2026; 15 or more employees from January 1, 2027, to December 31, 2027; and 8 or more employees on or after January 1, 2028. The minimum hours threshold for qualifying for employment protection is removed. Instead, to qualify for protection, an employee must have begun employment with his or her current employer for at least 180 calendar days before taking leave. This applies to both to employers participating in the PFML Program and to those opting to use approved voluntary plans.

A mechanism for addressing stacking of certain employment protection benefits is established in the law. Employment protection is extended to any period of unpaid leave protected by the FMLA where the employee was eligible for PFML Program benefits but did not apply for and receive those benefits, so long as the employer provides certain written notices to the employee. The law expands the requirement for employers to maintain health care coverage. Employers must maintain an employee's health care coverage during any period of leave in the PFML Program in which the employee is also entitled to employment protection. The law also establishes a new \$3,000 grant for employers with fewer than 50 employees. The grant may be used for covering the costs of hiring a temporary worker to replace an employee on leave for a period of seven days or more or for significant additional wage-related costs due to the employee's leave, which may be documented through an attestation submitted by the employer. Under the law the ESD must conduct regular outreach to employers regarding their responsibilities in the PFML Program. The written statement of employee rights and posters distributed and posted by employers must include certain elements. The ESD may conduct periodic audits of employer files and records for the purposes of assisting with and otherwise enforcing compliance. The ESD may require the employer to collect and report information on the exercise of employment protection rights.

**Cite:** 2025 WA HB1213, WA Pub. Ch. 304 (18 pages)

**Enacted:** 5/17/2025

**Effective:** 1/1/2026

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## REGULATIONS

### Alabama

#### LICENSURE

##### License renewal for counselors

The Board of Examiners in Counseling amended rules for license renewals, requiring that applicants for renewal submit a statement to indicate whether their continuing education activity contact hours were synchronous or asynchronous.

**Cite:** Ala. Admin. Code r. 255-X-7 (Volume XLIII, Issue No. 7 AAM, 04/30/2025, page 366) (10 pages)

**Adopted:** 3/31/2025

**Effective:** 6/14/2025

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### Alaska

#### HEALTHCARE PROFESSIONALS

##### Nurse aide competency evaluation

The Board of Nursing amended regulation to replace experience restrictions for a proctor of a nurse aide competency examination with the requirement that the examination be administered and evaluated by a nationally recognized credentialing service approved by the Board of Nursing.

**Cite:** 12 AAC 44.850 (Online Public Notice System, 04/09/2025) (6 pages)

**Adopted:** 4/8/2025

**Effective:** 5/8/2025

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#### HEALTHCARE PROFESSIONALS

##### Nurse licensure and nurse aid certification

The Board of Nursing updated standards concerning applications for nurse licensure or nurse aide certification, retired or lapsed license renewal, and nurse aide classroom curriculum, also adding certified medical assistants to the list of professionals authorized to be delegated medication administration tasks.

**Cite:** 12 AAC 44 (Online Public Notice System, 04/09/2025) (23 pages)

**Adopted:** 4/8/2025

**Effective:** 5/8/2025

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## California

### AGRICULTURAL LABOR

#### Majority support petition process

The Agricultural Labor Relations Board adopted regulations implementing the majority support petition process established by Labor Code section 1156.37, and adopted regulations regarding its compliance proceedings, appeal bonds, and civil penalties against employers.

**Cite:** 08 CCR § 20290, 20291, 20292, 20293, 20294, 20295, 20296, 20297, 20297.5, 20391, 20411 (CRNR 2025, No. 16-Z, 04/18/2025, page 506) (11 pages)

**Adopted:** 4/7/2025

**Effective:** 4/7/2025

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## Colorado

### LICENSURE

#### Plumbing rules and regulation

The Division of Professions and Occupations - State Plumbing Board amended rules to add a new definition for direct supervision, update the hours of practical experience required to qualify for licensure, specify that applicants cannot verify their own experience, and update reinstatement, continuing education, and enforcement requirements.

**Cite:** 3 C.C.R. 720-1 (48 CR 7, 04/10/2025, page 1084) (8 pages)

**Adopted:** 3/18/2025

**Effective:** 4/30/2025

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### UNEMPLOYMENT

#### Regulations concerning employment security

The Division of Unemployment Insurance amended rules concerning employment security that specify work registration and filing requirements, including the division's ability to require documentation to establish a claimant's identity.

**Cite:** 7 C.C.R. 1101-2 (48 CR 8, 04/25/2025, page 567) (2 pages)

**Adopted:** 4/9/2025

**Effective:** 5/20/2025

[Click for Extended Link](#)

[Return to TOC](#)

## Florida

### LICENSURE: PROFESSIONAL ETHICS

#### Continuing education for engineers

The Board of Professional Engineers amended rules for the approval of continuing education courses in laws and rules by removing specific application and content requirements for courses in Professional Ethics.

**Cite:** Fla. Admin. Code R. 61G15-22.0105 (51 faw 1183, 04/14/2025) (2 pages)

**Adopted:** 3/26/2025

**Effective:** 4/15/2025

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## Indiana

### LICENSURE

#### Fines and civil penalties: Home inspectors

The Home Inspectors Licensing Board amended rules to add fines and civil penalties for disciplinary conduct at fifty percent of the statutory maximum, with minimum and maximum limits and specified mitigating and aggravating factors that are recognized to justify departure from the fifty percent baseline.

**Cite:** 878 I.A.C. 1-7 (Indiana Register, 04/30/2025) (3 pages)

**Adopted:** 4/30/2025

**Effective:** 5/30/2025

[Click for Extended Link](#)

### LICENSURE

#### Fines and civil penalties: Nursing

The Board of Nursing amended rules to add fines and civil penalties for disciplinary conduct at fifty percent of the statutory maximum, with minimum and maximum limits and specified mitigating and aggravating factors that are recognized to justify departure from the fifty percent baseline.

**Cite:** 848 I.A.C. 1-1-16 (Indiana Register, 04/30/2025) (3 pages)

**Adopted:** 4/30/2025

**Effective:** 5/30/2025

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## Iowa

### LICENSURE

#### Continuing education

The Medicine Board amended rules to set forth continuing education requirements for physicians, acupuncturists, and genetic counselors, including definitions related to continuing education, the number of hours of continuing education that licensees are required to obtain, the standards that licensees need to meet in order to comply with the chapter, and the types of continuing education courses that are permissible.

**Cite:** 653 IAC 11 (IAB Vol. XLVII, No. 21, 04/16/2025, page 10653) (6 pages)

**Adopted:** 3/27/2025

**Effective:** 5/21/2025

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### LICENSURE

#### Standards of practice and medical ethics

The Medicine Board amended rules providing standards of practice and medical ethics, with definitions relevant to the practice of medicine and guidelines on office practices, including the requirements for recordkeeping, physician behavior, patient-physician relationships, and provisions for emergency medical services within the physician's scope of practice.

**Cite:** 653 IAC 13 (IAB Vol. XLVII, No. 21, 4/16/25, page 10658) (23 pages)

**Adopted:** 3/27/2025

**Effective:** 5/21/2025

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### OCCUPATIONAL SAFETY

#### Personal protective equipment

The Labor Services Division amended rules to adopt updated federal occupational safety and health standards for personal protective equipment in construction by reference.

**Cite:** 875 IAC 26.1 (IAB Vol. XLVII, No. 22, 04/30/2025, page 10909) (4 pages)

**Adopted:** 4/30/2025

**Effective:** 4/15/2025

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## Kentucky

### OCCUPATIONAL SAFETY

#### Toxic and hazardous substances

The Division of Occupational Safety and Health Education and Training amended rules to update the toxic and hazardous substances standards enforced by the Department of Workplace Standards in general industry.

**Cite:** 803 KAR 2:320 (51 Ky.R. 1783, 04/01/2025) (5 pages)

**Adopted:** 3/10/2025

**Effective:** 4/1/2025

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## Michigan

### OCCUPATIONAL SAFETY

#### Inspections and investigations, citations, and proposed penalties

The Department of Labor and Economic Opportunity amended rules under Part 13, which sets forth general policies for enforcement of the inspection and investigation, citation, and proposed penalty provisions of the Occupational Safety and Health Act.

**Cite:** AC, R 408.22301, 22303, 22305, 22307, 22309, 22311, 22321, 22322, 22323, 22324, 22325, 22326, 22331, 22333, 22338, 22339, 22342, 22344, 22346, 22348, 22349, 22351, 22352, 22353, 22354, 22355, 22356, 22358, 22361 (2025 MR 5, 04/01/2025, pages 2-13) (12 pages)

**Adopted:** 2/25/2025

**Effective:** 2/25/2025

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## New York

### INSPECTIONS

#### Worker walkaround representative designation process

The Department of Labor amended rules regarding employee representation during a workplace inspection, allowing third party accompaniment only when, in the judgment of the DOL inspector, good cause has been shown why accompaniment by the third party is reasonably necessary to conduct an effective and thorough physical inspection of the workplace.

**Cite:** 12 NYCRR 802.5 (2025-17 N.Y. St. Reg. 3, 04/30/2025) (1 page)

**Adopted:** 4/15/2025

**Effective:** 4/30/2025

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## North Carolina

### LICENSURE: HEALTHCARE PROFESSIONALS

#### Eligibility and application for licensure by examination

The Board of Nursing amended rules for nurse licensure eligibility and application for licensure by examination and licensure by endorsement, including educational requirements.

**Cite:** 21 NCAC 36:0211, 0218 (39:19 NCR 1321, 04/01/2025) (3 pages)

**Adopted:** 3/1/2025

**Effective:** 3/1/2025

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## Oregon

### WAGES

#### Prevailing wage violation penalties

The Bureau of Labor and Industries amended rules to clarify the civil penalty authority for violations of law relating to prevailing wage standards.

**Cite:** OAR 839-025-0530 (Oregon Bulletin, April 2025) (3 pages)

**Adopted:** 3/7/2025

**Effective:** 3/10/2025

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### WORKERS' COMPENSATION

#### Medical fees and payments

The Workers' Compensation Division amended rules for medical fees and payments, medical services, interpreter services, and managed care organizations.

**Cite:** OAR 436-009-0004, 436-009-0010, 436-009-0012, 436-009-0023, 436-009-0025, 436-009-0030, 436-009-0040, 436-009-0060, 436-009-0080, 436-009-0110, 436-010-0225, 436-010-0270, 436-010-0290, 436-015-0110 (Oregon Bulletin, April 2025) (52 pages)

**Adopted:** 3/10/2025

**Effective:** 4/1/2025

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## Wisconsin

### HEALTHCARE PROFESSIONALS

#### Telemedicine and telehealth

The Medical Examining Board amended rules to implement the statutory changes from 2021 Wisconsin Act 121, revising the definition of "telemedicine," as well as removing a reference to the Physician Assistant Affiliated Credentialing Board.

**Cite:** Wis. Admin. Code § Med. 24 (Wis. Admin. Reg. No. 832A3, 04/21/2025) (3 pages)

**Adopted:** 4/18/2025

**Effective:** 6/1/2025

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### LICENSURE

#### Examination requirements

The Accounting Examining Board adopted amendments to rules for licensure examination requirements, increasing the number of months in which a candidate shall retain credit for any examination section passed from 18 to 30 months.

**Cite:** Wis. Admin. Code § Accy. 2 (Wis. Admin. Reg. No. 832B, 04/28/2025) (2 pages)

**Adopted:** 4/9/2025

**Effective:** 5/1/2025

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