

# Employers State Law Alert

Summarizing Significant New Employment Laws & Regs in All 50 States



**Minnesota** DOLI publishes guidance on meal and rest break laws effective January 1, p. 6.  
 Statutory developments by state, p. 2.  
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## As states begin to act on HR's use of AI, overall regulatory picture still murky

by Tammy Binford

Artificial intelligence (AI) seems to have entered every aspect of the workplace, with optimists seeing a world of remarkable productivity, and pessimists predicting a chaotic environment beyond anyone's control.

Just how the promise—and peril—of the new technology will eventually shake out is anyone's guess. But the legislators and policymakers trying to make sense of it all are starting to act.

Their divergent regulatory strategies, however, may leave employers struggling to comply with a patchwork of varying rules from state to state.

### COLORADO MODEL

Colorado blazed the AI regulation trail in 2024 with Senate Bill 24-205, which created the Colorado Artificial Intelligence Act.

That law takes aim at “algorithmic discrimination,” the fear that AI's algorithms will have a discriminatory effect on employees and applicants based on race, ethnicity, gender, age, and any other characteristic protected by law.

The state's law was supposed to go into effect on February 1, 2026, but the effective date was later extended to June 30. The delay gives state lawmakers time to amend the law when they go into session again in January.

Colorado's law is seen as the most comprehensive so far of state actions on AI that affect employment. It applies to both developers (businesses that develop or modify AI systems) and deployers (businesses that use what are termed high-risk AI systems).

One potential problem with Colorado's AI law concerns the Trump administration's threat to withhold federal AI funding from states if they have what the administration considers burdensome rules.

As is, the Colorado law requires businesses to have programs in place to mitigate risks for high-risk AI systems. That includes conducting impact assessments and developing oversight and mitigation processes.

### OTHER STATES' ACTIONS

Colorado isn't the only state to tackle regulating employers' use of AI. An Illinois law, slated to take effect on January 1, 2026, targets AI use that poses a threat of unlawful discrimination in hiring, promotion, and other aspects of employment.

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The Illinois law requires employers to notify applicants and employees of their use of AI in the recruiting, hiring, and promotion process. It differs from the Colorado law by not requiring impact assessments.

Since 2020, Illinois has had a law addressing the use of AI-enabled video interviews. That law requires employers to notify applicants that AI may be used to analyze a video interview. The analysis would assess the candidate's appropriateness for the position.

The law also requires the employer to communicate to the applicant how the AI system works and the characteristics it uses to evaluate applicants. In addition, the employer must get the applicant's consent to be evaluated by the AI program.

The Illinois law was amended in 2022 to require those employers that rely exclusively on AI analysis of video interviews when they select candidates for in-person interviews to report certain information to the state. That includes reporting the race and ethnicity of applicants offered in-person interviews, those who are not offered in-person interviews, and those who are hired.

Maryland also has a law requiring employers that use facial recognition technology in the hiring process to acquire applicants' written consent. Applicants provide consent by signing a waiver stating the applicant's name, date of the interview, that the applicant has given consent, and that the applicant has read the consent waiver.

## BUSINESS WORRIES

As more states begin to act, many businesses are expressing concern over complying with a plethora of state laws, all requiring different obligations.

The U.S. Chamber of Commerce Technology Engagement Center's latest report of its survey of U.S. small businesses found that 65% of respondents were worried about a patchwork of state laws adding to their compliance and litigation costs.

The research also found that 58% of the businesses surveyed say they use generative AI, which is up from 40% in 2024. A whopping 96% of small business owners reported planning to adopt emerging technologies, including AI. In addition, 77% of small businesses that use AI reported that limits on the technology would negatively affect their growth, operations, and bottom line.

"AI is transforming economies and industries across the globe, but often overlooked is its potential to empower small businesses—enabling them to innovate, grow, and compete on a larger scale," Jordan Crenshaw, senior vice president of the Chamber's Technology Engagement Center, said when the research was released.

"This year we've found the highest level of concern amongst small business with a patchwork of state laws that could inhibit adoption and growth," Crenshaw said. "That's why policymakers need to establish a single national framework that allows these businesses to thrive, instead of stifling their success."

## TRUMP ADMINISTRATION POLICY

In July, the White House released its action plan on AI, which is centered on accelerating AI innovation, building the nation's AI infrastructure, and developing efforts to lead in international AI diplomacy and security.

The plan proposes withholding federal funding to states that have what the administration considers burdensome AI regulations. It also urges repeal of any federal regulations that may stifle AI innovation.

In the section on accelerating AI innovation, the action plan says, "The Federal government should not allow AI-related Federal funding to be directed toward states with burdensome AI regulations that waste these funds, but should also not interfere with states' rights to pass prudent laws that are not unduly restrictive to innovation."

The plan calls for the Office of Management and Budget to work with all federal agencies to revise or repeal regulations "that unnecessarily hinder AI development or deployment."

Also, the plan calls for a review of all the Federal Trade Commission investigations that were begun under the Biden administration "to ensure that they do not advance theories of liability that unduly burden AI innovation."

In releasing the action plan, President Donald Trump called for a federal standard on AI regulation that "supersedes all states."

Earlier, a proposed moratorium on new state AI regulations was removed from language in H.R. 1, which is referred to as the One Big Beautiful Bill.

# STATUTES

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## California

### LABOR RELATIONS

#### Expands jurisdiction of the Public Employment Relations Board (PERB)

This law expands the jurisdiction of the Public Employment Relations Board (PERB) by authorizing private sector workers to petition the PERB to protect and enforce their rights if certain conditions are satisfied. The law is

intended to supplement the duties of the National Labor Relations Board (NLRB). The law authorizes the PERB to enforce provisions of the National Labor Relations Act (NLRA) in the private sector when the NLRB declines or is unable to act. The law clarifies the criteria in which a worker may petition the PERB to protect and enforce certain prescribed rights and includes a worker in a position that subjects them to the jurisdiction of the Agricultural Relations Board (ALRB). The law provides that if the PERB determines that certain prescribed conditions no longer apply relating to a worker's eligibility to petition it, it must retain jurisdiction over pending matters, including those from that point forward, unless ordered by a court of competent jurisdiction to cede its jurisdiction. The law also clarifies that a worker or their chosen representative may petition the PERB to: (i) process any representation previously filed with the National Labor Relations Board (NLRB); (ii) promptly certify and exclusive bargaining representative previously certified by another state or federal agency, as provided; or, iii) decide unfair labor practice cases based on a prescribed timeline and certain prescribed employer acts that deny worker rights, and employer size based on number of employees, as of January 1, 2026, or January 1, 2027, as applicable. The manner by which cases are prioritized also is stipulated. The law changes from binding mediation to binding arbitration where a worker or their chosen representative may seek an order from the PERB to resolve certain differences. The law clarifies that to seek relief from the PERB, a covered worker or their representative must file an unfair practice charge and submit certain information, require the PERB to maintain supporting documentation and evidence confidential as part of its investigatory file, exempt such documentation and evidence from disclosure under the California Public Records Act and, authorize the PERB to implement certain provisions pursuant to its own procedures. The law authorizes the PERB to assess a \$1,000 civil penalty per worker per violation against an employer if it has found to have engaged in a pattern or practice of committing unfair practices but allows an employer an opportunity to review and dispute the allegations. In addition, the PERB is authorized to prioritize certain charges brought before it for these purposes, subject to certain enumerated factors. The law provides that a decision of the court enforcing a PERB order must be final, subject to the right to petition to the California Supreme Court for review. However, pendency of a petition for review must not, except by express court orders, constitute a stay of the decision, and any violation of a decision must be remediable by the court as contempt.

**Cite:** 2025 CA AB288, CA Pub. Ch. 139 (10 pages)

**Enacted:** 9/30/2025

**Effective:** 1/1/2026

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## WHISTLEBLOWERS

### Creates the Transparency in Frontier Artificial Intelligence Act

This law incorporates recommendations from the California Report on Frontier AI Policy. The law is known as the Transparency in Frontier Artificial Intelligence Act and requires more transparency in the safety practices of AI companies, adverse event reporting requirements, and whistleblower protections. The law adds safeguards including that capability thresholds must be disclosed in protocols and reports, mitigation steps must be documented when thresholds are exceeded, and the Attorney General must issue annual, anonymized summaries of critical incidents and whistleblower disclosures. Whistleblower protections within companies developing AI foundation models can be crucial given the extraordinary scale and impact of the technology. These protections serve as an essential safety valve in an industry where the potential consequences of unethical or dangerous development practices can affect millions, if not billions, of people. These models increasingly power critical infrastructure across healthcare, finance, employment, education, and government services. Employees responsible for AI risk assessment or management ("covered employees") are protected from retaliation when reporting specific and substantial dangers to public health or safety, or violations of the law. Also, large frontier developers must provide a "reasonable internal process" that allows for anonymous internal reporting channels and must update whistleblowers monthly on the status of their disclosures. The law allows employees to seek injunctive relief and attorney's fees for violations, and the burden of proof shifts to the employer once retaliation is alleged.

**Cite:** 2025 CA SB53, CA Pub. Ch.138 (16 pages)

**Enacted:** 9/29/2025

**Effective:** 1/1/2026

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## Delaware

### WAGES

#### Wage transparency

This law requires employers to include salary or wage range information in all postings for job opportunities, both internally and externally. Employers are required to maintain records relating to job descriptions and wage rates for current employees and for 3 years after the departure of an employee. The Department of Labor may bring an administrative action to enforce the pay transparency provision. The requirements of this law do not apply to employers with 10 or fewer employees.

**Cite:** 2025 DE HB105 (1 page)

**Enacted:** 9/26/2025

**Effective:** 9/26/2026

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## New Jersey

### LABOR UNIONS

#### Prohibits mandatory meetings

This law expands prohibitions on employers concerning requirements for employees to attend or listen to communications related to political or religious matters. The law prohibits employers from requiring employees to attend employer-sponsored meetings or participate in any communications related to political matters with employers or their agents or representatives. The law specifically targets so-called “captive audience” meetings and employer-mandated gatherings where workers are compelled to listen to political, religious, or union-related speech. Certain exemptions from this prohibition are provided in the law. Employers are required to post notice of employee rights in a conspicuous place reserved for employment-related notices and in a place commonly frequented by employees. The law also defines political matters to mean matters which relate to an electioneering communication and the employee’s decision to join or support any political party or political, civic, community, fraternal, or labor organization or association.

**Cite:** 2025 NJ AB4429, NJ Pub. Ch. 138 (3 pages)

**Enacted:** 9/3/2025

**Effective:** 12/3/2025

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## New York

### WAGES

Prohibits reduction in wages

This law protects certain employees from a reduction of wages due to their involvement in the investigation of a violation of a workplace violence protection program.

**Cite:** 2025 NY SB5254, NY Pub. Ch. 364 (1 page)

**Enacted:** 9/5/2025

**Effective:** 9/5/2025

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# REGULATIONS

## Alabama

### LICENSURE

#### Dental hygiene program requirements

The Board of Dental Examiners amended rules for dental hygiene programs to update time requirements, entry into program requirements, and foreign dentist requirements; and to amend rules for re-enrollment to the program after withdrawal due to maternity or pregnancy.

**Cite:** Ala. Admin. Code r. 270-X-3-.04 (Volume XLIII, Issue No. 11 AAM, 08/29/2025, page 614) (4 pages)

**Adopted:** 8/11/2025

**Effective:** 10/13/2025

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### LICENSURE

#### Fee schedule

The Department of Workforce Elevator Safety Rules amended its fee schedule and rules for licensing, permits, operating certificates, and inspections.

**Cite:** Ala. Admin. Code r. 480-8-3-.04 (Volume XLIII, Issue No. 11 AAM, 08/29/2025, page 616) (3 pages)

**Adopted:** 8/19/2025

**Effective:** 10/13/2025

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## Alaska

### LICENSURE: HEALTHCARE PROFESSIONALS

#### Nursing reinstatements

The Board of Nursing adopted regulations to add provisions for the issuance of a temporary nonrenewable permit for reinstatement, and to amend requirements for a licensee to participate in an alternative probation program.

**Cite:** 12 AAC 44.320, 12 AAC 44.740 (Online Public Notice System, 08/05/25) (7 pages)

**Adopted:** 8/5/2025

**Effective:** 8/29/2025

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### WAGES

#### Calculation of overtime rates and sick leave accrual

The Department of Labor and Workforce Development amended regulations pursuant to legislative changes

requiring the conversion of an employee's compensation rate to an hourly rate for determination of overtime pay requirements.

**Cite:** 8 AAC 15 (Online Public Notice System, 08/26/25) (20 pages)

**Adopted:** 8/26/2025

**Effective:** 9/25/2025

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## California

### LICENSURE

#### Examination requirements

The California Architects Board amended regulations governing eligibility to be a candidate for the National Council of Architectural Registration Boards (NCARB) Architect Registration Examination (ARE) and the California Supplemental Examination (CSE), removing the experience requirement for the ARE and the experience and ARE completion requirements to be eligible for the CSE.

**Cite:** 16 CCR § 116 (CRNR 2025, No. 33-Z, 08/15/2025, page 1036) (2 pages)

**Adopted:** 8/4/2025

**Effective:** 10/1/2025

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### WAGES

#### Minimum wage and credits

The Department of Industrial Relations amended Wage Orders 4–2001 (wages, hours and working conditions in the professional, technical, clerical, mechanical, and similar occupations), 5–2001 (wages, hours and working conditions in the public housekeeping industry), and 7–2001 (wages, hours and working conditions in the mercantile industry), including making statutorily mandated conforming changes relating to minimum wage and permissible meals and lodging credits.

**Cite:** 8 CCR §§ 11040, 11050, 11070 (CRNR 2025, No. 31-Z, 08/01/2025, page 977) (39 pages)

**Adopted:** 7/17/2025

**Effective:** 7/17/2025

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### WAGES

#### Minimum wages

The Department of Industrial Relations amends wage orders regarding the general minimum wage, minimum

wage for fast food employees, and minimum wage for health care facility employees.

**Cite:** 8 CCR §§ 11000.1, 11000.2 (CRNR 2025, No. 31-Z, 08/01/2025, page 976) (5 pages)

**Adopted:** 7/17/2025

**Effective:** 7/17/2025

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## Delaware

### BENEFITS

#### Paid leave

The Department of Labor amended rules defining and regulating the Healthy Delaware Families Act, Family and Medical Leave Insurance Program, and the Division of Paid Leave, including changes to employee counting, notifications of change in coverage, and determination of benefit periods.

**Cite:** 19 DE Admin. Code 1401 (29 DE Reg. 135, 08/01/25) (30 pages)

**Adopted:** 7/14/2025

**Effective:** 8/1/2025

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## Florida

### WORKERS' COMPENSATION

#### Fees

The Division of Workers' Compensation amended rules to increase the billing fees payable for health care providers who serve as a witness to give a deposition pursuant to statute.

**Cite:** Fla. Admin. Code R. 69L-30.008 (51 faw 2989, 08/12/2025) (1 pages)

**Adopted:** 8/7/2025

**Effective:** 8/27/2025

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## Iowa

### LICENSURE

#### Nursing home administrators

The Inspections and Appeals Department amended rules related to the licensure of nursing home administrators, increasing the minimum age from 18 to 20 years old, and increasing the duration of a provisional license from 12 to 24 calendar months.

**Cite:** 481 IAC 980 (IAB Vol. XLVII, No. 3, 08/06/2025, page 1078) (3 pages)

**Adopted:** 7/14/2025

**Effective:** 9/10/2025

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## Kansas

### HEALTHCARE PROFESSIONALS

#### Emergency medication kits

The Board of Pharmacy amended rules requiring emergency medication kits in long-term care facilities, with definitions, requirements, procedures, and reporting to the prescription monitoring program.

**Cite:** K.A.R. 68-7-10, 68-7-10a, 68-20-32, 68-20-33, 68-21-2 (44-33 kan reg 27, 08/14/2025) (4 pages)

**Adopted:** 8/14/2025

**Effective:** 8/14/2025

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## Michigan

### LICENSURE: HEALTHCARE PROFESSIONALS

#### Physician assistants

The Bureau of Professional Licensing amended rules for Physician's Assistants, with requirements for training standards for identifying victims of human trafficking, educational program standards, application requirements, and renewal requirements.

**Cite:** AC, R 338.6103, R 338.6201, R 338.6301, R 338.6305, R 338.6308, and R 338.6311 (2025 MR 13, 08/01/2025, page 2) (4 pages)

**Adopted:** 7/1/2025

**Effective:** 7/8/2025

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## Minnesota



### ANALYSIS

#### WAGE AND HOUR LAW

#### MN-DOLI publishes guidance on meal and rest break laws effective January 1

by Brian Benkstein, Felhaber Larson

The Minnesota Department of Labor and Industry (MN-DOLI) recently published guidance on some of the key amendments to Minnesota's meal and rest break laws that are set to take effect January 1, 2026. In this article, we highlight some of the more notable MN-DOLI interpretations. Although the agency's

*interpretative guidance can be helpful, publications like this do not have the force of law or regulation.*

### EMPLOYEES MUST BE 'ALLOWED' TO TAKE MEAL AND REST BREAKS

MN-DOLI's guidance addresses an important element of the meal and rest break laws—you must “allow” your employees to take rest and meal breaks.

The agency recognizes that employees may choose not to take these breaks. An analysis of whether an employer “allows” their employees to take breaks is fact-intensive and may include, but is not limited to, whether the employer has break policies that are communicated to employees and whether work circumstances make it possible for employees to take breaks. In some circumstances, it may therefore be possible for an employee to voluntarily waive a break. These are nuanced issues, and you should seek counsel before adopting any related policies or practices.

#### REST BREAKS

By way of quick background, Minnesota's amended rest break law requires you to provide employees with rest breaks that: (a) last at least 15 minutes; (b) occur within each four consecutive hours of work; and (c) provide time to use the nearest restroom or otherwise take a break. Here's what we can learn from MN-DOLI's new guidance:

- A rest break cannot be provided at the very end of a four-consecutive-hour shift. The law requires an employee to be able to take the break within this period, not at the end.
- Rest breaks are predicated on four consecutive hours worked. Therefore, if an employee only works 3.5 hours before an unpaid meal break, for example, a 15-minute break is not required.
- Depending on an employee's work schedule, there may be circumstances when an employee's rest and meal breaks can be combined into a longer, single break.

#### MEAL BREAKS

Under the updated meal break law, you must allow employees to take a meal break that: (a) lasts at least 30 minutes; (b) occurs when working six or more consecutive hours; and (c) provides time to eat a meal.

MN-DOLI attempted to answer one of the most burning questions surrounding the new meal break requirements: How should the “six or more consecutive hour” requirement be applied? It provided the following hypothetical example to highlight its interpretation:

On Jan. 2, 2026, Employee B works from 6 a.m. to 6 p.m.

**Q:** How many meal breaks must the employer allow Employee B to take?

**A:** The employer must allow Employee B to take at least one meal break, as Employee B is working six or more consecutive hours. Minnesota's updated meal break law does not require more than one meal break if an employee works six or more consecutive hours.

## COLLECTIVE BARGAINING AGREEMENTS

MN-DOLI confirmed that employers and labor unions can “establish break requirements different from those provided under Minnesota law in a collective bargaining agreement.”

## REMEDIES

Finally, MN-DOLI's guidance provides some clarity on the new penalty provisions associated with the meal and rest break laws. According to the agency, if you don't allow employees rest and meal breaks as required by the statutes, you may be liable for the break time that should have been allowed plus an additional equal amount as liquidated damages—a penalty that equals double the amount of time that should have been given to the employee. You can find MN-DOLI's guidance here: <https://www.dli.mn.gov/business/employment-practices/work-breaks-rest-periods>.

*Excerpted from Minnesota Employment Law Letter*

*Ryan A. Olson and David Richie, Editors*

*Felhaber Larson*

## Mississippi

### LICENSURE

#### Engineering licensure

The Board of Licensure for Professional Engineers and Land Surveyors reorganized and amended rules to mirror the Model Rules adopted by the National Council of Examiners for Engineers and Surveyors, implementation of the Military Family Freedom Act and Universal Recognition of Occupational Licenses Act.

**Cite:** 30 Miss. Admin. Code, Pt. 901 (Mississippi Admin. Bulletin, 08/20/2025) (46 pages)

**Adopted:** 8/20/2025

**Effective:** 9/22/2025

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## Missouri

### LICENSURE

#### Continuing dental education

The Dental Board amended rules for continuing dental education, allowing licensees to claim up to seven hours of continuing education for authoring articles published in professional journals per reporting period, excluding op-ed pieces and letters to the editor.

**Cite:** 20 CSR 2110-2.240 (50 MoReg 1222, 08/15/2025) (1 pages)

**Adopted:** 8/15/2025

**Effective:** 9/15/2025

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## New Mexico

### LICENSURE

#### Journeyman certification

The Construction Industries Division adopted new rules regarding individuals seeking journeyman certification in the elevator trade in the state, setting forth general provisions governing certification requirements.

**Cite:** 14.15.6 NMAC (36 n m reg 15, 08/12/2025) (4 pages)

**Adopted:** 8/12/2025

**Effective:** 8/12/2025

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### OCCUPATIONAL SAFETY

#### Elevator safety code

The Construction Industries Division adopted new rules for the administration, interpretation, and enforcement of contracting work performed in New Mexico subject to the jurisdiction of the Elevator Safety Act and the Construction Industries Licensing Act, involving the erecting, constructing, installing, altering, servicing, testing, repairing, maintaining, removing, or dismantling conveyances contained within a building or structure or inspection of that work is subject to the jurisdiction of the division.

**Cite:** 14.15.1 NMAC (36 n m reg 15, 08/12/2025) (5 pages)

**Adopted:** 8/12/2025

**Effective:** 8/12/2025

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## Ohio

### WORKERS' COMPENSATION

#### Cancellation of coverage

The Bureau of Workers' Compensation amended rules for employer notification requirements regarding the cancellation of workers' compensation coverage.

**Cite:** Ohio Admin. Code 4123:17-76 (Register of Ohio, 08/25/2025) (3 pages)

**Adopted:** 8/25/2025

**Effective:** 9/4/2025

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### WORKERS' COMPENSATION

#### Wage loss payments

The Bureau of Workers' Compensation amended rules regarding wage loss payments to injured workers who complete rehabilitation plans.

**Cite:** Ohio Admin. Code 4123:18-21 (Register of Ohio, 08/25/2025) (4 pages)

**Adopted:** 8/25/2025

**Effective:** 10/1/2025

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## Virginia

### LICENSURE

#### Home inspector licensing regulations

The Board for Asbestos, Lead, and Home Inspectors amended rules to add new definitions, remove unnecessary definitions, and clarify existing definitions; revise licensure entry requirements, including establishing a points-based system for education and experience qualifications; adjust requirements for renewal of a license; adjust standards for conducting home inspections; update standards of conduct pertaining to conflicts of interest; and revise prohibited acts in the standards of conduct and practice.

**Cite:** 18VAC15-40 (42 va regs reg 154, 08/25/2025) (16 pages)

**Adopted:** 8/25/2025

**Effective:** 10/1/2025

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## Washington

### OCCUPATIONAL SAFETY

#### Safety standards for cranes and derricks

The Department of Labor and Industries amended the safety standards for cranes and derricks in construction, clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluation.

**Cite:** WAC 296-155 (WSR 25-16-089, 08/05/2025) (185 pages)

**Adopted:** 8/8/2025

**Effective:** 9/5/2025

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