

SB 735, as amended, Cortese. Motion picture productions: safety: firearms: ammunition.

Existing law grants the Division of Occupational Safety and Health, which is within the Department of Industrial Relations, jurisdiction over all employment and places of employment, with the power necessary to enforce and administer all occupational health and safety laws and standards. The Occupational Safety and Health Standards Board, an independent entity within the department, has the exclusive authority to adopt occupational safety and health standards within the state. Existing law, the California Occupational Safety and Health Act of 1973, requires employers to comply with certain standards ensuring healthy and safe working conditions, as specified, and charges the division with enforcement of the act. Other existing law relating to occupational safety imposes special provisions on certain industries and charges the division with enforcement of these provisions.

This bill would establish the Safety on ~~Set~~ *Productions* Pilot Program. The bill, commencing July 1, 2025, and until June 30, 2030, inclusive, would require *that* an employer *for a motion picture production* that receives a specified motion picture tax ~~credit to credit, for that motion picture production,~~ hire or assign a qualified safety advisor *for California filming activities* to perform a risk assessment and, if required under the bill, a specific risk assessment, as specified. The bill would require a dedicated safety advisor to be present on every motion picture ~~production.~~ *production in the pilot program who is assigned exclusively to that motion picture production.* The bill would require assessments to be accessible to specified affected persons and safety advisor access to locations and relevant facilities and items to ensure safety. The bill would require production to conduct a daily safety meeting, including, but not limited to, a safety meeting required when firearms are involved in a scene. The bill would require a safety advisor to participate in *daily* safety meetings, as specified. The bill would require an employer to identify a person for performers, crew, labor organization representatives, and the division to contact for issues regarding compliance. The bill would require ~~an employer to select an independent evaluator, as prescribed, the safety advisor~~ to prepare a ~~postproduction~~ final safety evaluation report based on the actual risk and compliance experience. The bill would require the ~~independent evaluator, safety advisor,~~ within 60 days ~~after postproduction, following completion of filming activities,~~ to provide ~~its~~ *the* final safety evaluation report to the Industry-Wide Labor-Management Safety ~~Committee.~~ *Committee and the California Film Commission.* The bill would require the ~~California Film Commission, in collaboration with the committee, on or before January 1, 2029, to provide a nonbinding set of recommendations to the Legislature as to whether the pilot program~~

~~should be implemented on a permanent basis, and whether to extend its application to all motion picture productions in this state, whether participating in state motion picture tax credits or not.~~ *committee and the California Film Commission to jointly select an organization or firm to perform a written evaluation of the pilot program. The bill would require the selected organization or firm to review and assess the final safety evaluation reports on or before June 30, 2029, and make a nonbinding set of recommendations to the Legislature, as prescribed.* These pilot program provisions would be repealed as of January 1, 2031.

This bill would allow the use of a firearm ~~and~~ *or* blank on motion picture productions only for specified purposes and under specified safety conditions. The bill would require a qualified property master, armorer, or assistant property master handling a firearm in the course of the motion picture production to have a specified state permit, to have completed certain training in firearms, and to have a specified federal document for the possession and custody of the firearm. The bill would specifically impose prescribed reporting requirements on employers engaged in motion picture production. The bill would specifically authorize the division to investigate, inspect, and cite employers, as prescribed.

This bill would prohibit ammunition on a motion picture production, except in prescribed circumstances, subject to certain safety rules and laws. The bill would require an employer to ~~ensure~~ *require* that any employee responsible for handling, or in proximity to, firearms on set completes a specific firearm training or equivalent training, as prescribed. The bill would require an employer to comply with the bill and any applicable safety standard. The bill would establish exemptions from its provisions for specified registered security guards and peace officers when they are on the perimeter of a set where motion picture production is happening.

This bill would require the division to enforce its provisions. The bill would define terms for its purposes. The bill's provisions would become operative on January 1, 2025.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Part 13 (commencing with Section 9150) is added to Division 5 of the Labor Code, to read:

PART 13. SAFETY IN MOTION PICTURE PRODUCTIONS

9150. (a) The Legislature finds and declares the following:

(1) All workers deserve a safe and healthy workplace. Because the sets of motion picture productions have ~~a number and variety of~~ potential hazards, proactive planning and oversight ~~on the ground of the workplace~~ are key to ~~ensuring worker~~ safety.

(2) The growing popularity of a diverse array of media platforms and reality television and increased customer demand for new content and new production has increased the need ~~to ensure~~ *for* safety on sets.

(3) ~~Ensuring~~ *Improving* the overall health and safety on motion picture production sets is especially critical for the safe handling of firearms.

(4) The primary protections for the cast and crew in a motion picture production, including when firearms are used, are found in voluntary safety standards developed by the Industry-Wide Labor-Management Safety Committee for use in motion picture production.

(b) It is the intent of the Legislature to do the following:

(1) Establish a pilot program to address the implementation and oversight of safety practices and procedures in motion picture ~~production.~~ *productions participating in the pilot program.*

(2) ~~Mandate the employment of~~ *Require the productions in the pilot program to employ* a safety advisor to ~~ensure that the overall safety in production is safe and to oversee production safety and~~ complete detailed, script-specific general and, if applicable, specific risk assessments as part of this ~~pilot.~~ *pilot program.*

(3) Establish training requirements and safety standards ~~to ensure~~ *that focus on* the safe handling of ~~prop~~ firearms and blanks in *all* motion picture production in California.

(4) Prohibit, except in the most limited circumstances, the use of *live* ammunition in motion picture production in California.

(c) It is not the intent of the Legislature in enacting this part to do either of the following:

(1) Adversely impact the employment or retention of craft employees responsible for handling firearms used in motion picture productions.

(2) Preclude the use of ~~firearms or replica, simulated,~~ *firearms, blanks, replicas, simulated firearms,* or inert prop firearms or to influence content in motion picture productions.

9151. As used in this part:

(a) "Ammunition" means one or more loaded cartridges consisting of a primed case, propellant, and with one or more projectiles. "Ammunition" does not include blanks.

(b) "Blank" means a cartridge consisting of a primer cap, a shell case, and a quantity of gunpowder, but that does not contain a projectile.

(c) "Division" means the Division of Occupational Safety and Health.

(d) "Employer" means an employer engaged in producing a motion picture production.

(e) "Filming activities" includes principal photography and any subsequent filming, such as reshoots or additional scenes, as well as the construction and breakdown of sets and loading equipment, but does not include postproduction activity, including, but not limited to, editing, sound mixing, additional dialogue, or visual effects unrelated to reshoots.

~~(e)~~

(f) "Firearm" means a device, designed to expel through a barrel a projectile by the force of an explosion or other form of combustion, including the frame or receiver of the device. "Firearm" does not include a replica or simulated firearm or a special effects device.

~~(f)~~

(g) "Industry-Wide Labor-Management Safety Committee" or "committee" means the California group composed of union, guild, and employer representatives that establishes ~~best practice~~ safety guidelines for motion picture production and that meets regularly.

~~(g)~~

(h) "Motion picture production" means the development or creation of motion pictures, television programs, streaming productions, commercial advertisements, music videos, or any other moving images, including, but not limited to, productions made for entertainment, commercial, religious, or educational purposes.

(i) "Pilot program" means the Safety on Productions Pilot Program established in Sections 9152 and 9152.5.

~~(h)~~

(j) "Risk assessment" is a detailed written review of a script and production plan prepared in accordance with Section 9152.5.

(i)

(k) "Safety advisor" means a person who works in tandem with, but independent of, performers and crew and who is not employed for any other role on the motion picture production; who reports to the unit production manager, or a person or persons having overall responsibility for the safety program, but retains autonomy to address production-related risk, including, as a last resort, the authority to temporarily halt production until a thorough examination of the potential hazard or hazards and the mitigation plan can take place among the decisionmakers on productions; and who meets the following qualifications:

(1) One of the following:

(A) At least two years' experience primarily performing safety-related work in the entertainment industry as a department head, foreperson, or in a production safety position within motion picture production.

(B) At least 500 verifiable days in another crew position in motion picture production, so long as they possess an appropriate breadth of specialist knowledge, experience, and expertise aimed at minimizing risks to both performers and crew.

(C) Five or more years of safety-related work, where safety was a primary role and responsibility, in another industry, so long as they possess an appropriate breadth of specialist knowledge, experience, and expertise aimed at minimizing risks to workers and the public.

(2) Completion of a joint labor and management training on industry protocols, state and federal law, and safety practices in motion picture production.

(3) Completion of ~~a~~ *an OSHA 30-hour training program authorized by the division (OSHA-30 training) *for general industry*.*

~~(j)~~

(l) "Specific risk assessment" means a ~~specific~~ risk assessment for identified high-risk activities or situations prepared in accordance with Section 9152.5.

9152. (a) The Safety on ~~Set~~ *Productions* Pilot Program is hereby established. Commencing July 1, 2025, until June 30, 2030, inclusive, an employer *for a motion picture production* that receives a motion picture *tax* credit pursuant to *a tax credit program that succeeds, on or after July 1, 2025, the tax credit program established in* Section 17053.98 or 23698 of the Revenue and Taxation Code ~~shall~~ *shall, for that motion picture production,* hire or assign a safety advisor *for California filming activities* by the time the department heads start the preproduction process of planning for construction or high-risk activities to perform a risk assessment and, if required under this part, a specific risk assessment, to be completed in collaboration and consultation with appropriate production personnel, including, but not limited to, department heads and those with specialized knowledge. There shall be a dedicated safety advisor present on every motion picture ~~production.~~ *production in the pilot program who is assigned exclusively to that motion picture production.* The safety advisor shall have the authority to determine which worksite is most appropriate to have a physical presence on when multiple production-related activities are taking place in multiple locations.

(b) Any specific risk assessment shall be revised if there are meaningful changes to the proposed activity or location that would change the specific risk assessment or mitigation plan.

(c) All risk assessments shall be accessible via electronic transmission, upon request, to performers, crew, and labor organization representatives.

(d) The safety advisor shall have access to, and the opportunity to ~~inspect~~ *inspect*, all locations, facilities, equipment, supplies, materials, and props to ~~ensure~~ *safeguard* the safety of the performers and crew members. *Access or inspection by a safety advisor pursuant to this subdivision does not include handling or otherwise touching a firearm.*

(e) Production shall conduct a daily safety meeting, including, but not limited to, the meeting required in paragraph (4) of subdivision (a) of Section 9153. ~~The safety advisor shall participate in the safety meetings.~~

(f) The safety advisor shall participate in daily safety meetings when occurring at the safety advisor's selected worksite or worksites, if there are multiple production-related activities taking place in multiple locations.

(g) The employer shall identify a person for performers, crew, labor organization representatives, and the division to contact for issues regarding compliance.

(h) ~~The employer shall select an independent evaluator, from a qualified list of evaluators established by the California Film Commission in collaboration with the Industry-Wide Labor-Management Safety Committee, to~~ *safety advisor shall* prepare a ~~postproduction~~ final safety evaluation report based on the actual risk and compliance experience, as set forth in subdivisions (a) to (e), inclusive. Within 60 days ~~after postproduction, the independent evaluator~~ *following completion of filming activities, the safety advisor* shall provide ~~its~~ *the* final safety evaluation report to the Industry-Wide Labor-Management Safety ~~Committee. Committee and the California Film Commission. Unplanned or unknown reshoots or additional scenes filmed after the submission of the initial report shall require an addendum report.~~

(i) (1) ~~On or before January 1, 2029, the California Film Commission, in collaboration with the Industry-Wide Labor-Management Safety Committee, shall provide a nonbinding set of recommendations to the Legislature as to whether the pilot program should be implemented on a permanent basis, and whether to extend its application to all motion picture productions in this state, whether participating in state motion picture tax credits or not. The Industry-Wide Labor-Management Safety Committee and the California Film Commission shall jointly select an organization or firm to~~

perform a written evaluation of the pilot program. The selected organization or firm shall review and assess the final safety evaluation reports on or before June 30, 2029, and make a nonbinding set of recommendations to the Legislature as to whether the pilot program should be implemented on a permanent basis and to what other motion pictures productions in this state it should, or should not, be extended.

(2) The report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(j) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

9152.5. Risk assessments shall be performed in accordance with the following:

(a) A risk assessment shall be written and shall be a script and production plan that identifies and evaluates preproduction and production activity or production locations that may pose a ~~reasonable~~ risk and hazard to employees and sets forth a mitigation plan of those risks and hazards. Department heads and those with specialized knowledge shall be involved in creating a plan to mitigate risk. The process for developing the risk assessment shall commence once the department heads start preproduction planning for construction or high-risk activities.

(b) A specific risk assessment shall be written and shall comply with the following:

(1) Be focused on identified high-risk activities or situations.

(2) Include detailed and specific risk mitigation plans and procedures to identify and evaluate workplace hazards that have an elevated risk factor or factors or a combination of multiple risk factors.

(3) ~~Spell-out-Identify~~ the precautions and controls to be taken to mitigate that risk and reevaluate the level of risk assuming those controls are implemented or if no steps are ~~taken-~~ *taken to mitigate that risk.*

(4) Identify the group of employees affected by the assessed risk.

(c) A specific risk assessment shall be performed for the use of the following:

(1) Firearms.

(2) Major pyrotechnics and explosives.

(3) Major stunts.

(4) Process shot moves.

(5) ~~Helicopters-Aircraft~~ or trains.

(6) Vehicles off road.

(7) Watercraft in open ~~water-~~ *water and for individuals under water for prolonged periods.*

(8) Workweeks of ~~60 hours or more-~~ *more than 60 hours.*

(d) A safety advisor shall have the authority to determine if, and when, a specific risk assessment is necessary for both on and off set activities and situations, including the following:

(1) Overhead rigging.

(2) Rugged outdoor locations.

(3) Inclement weather.

(4) Animals.

(5) Heights.

(6) Intermittent traffic control.

(7) Night shoots.

(8) Other high-risk activities or situations as identified by the safety advisor.

(e) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

9153. (a) A firearm~~—and~~ *or* blank shall only be permitted on motion picture productions, for the purposes of rehearsal, actor training, the filming of an on-camera sequence, or other development of content of the motion picture production with individuals of the performers or crew, under the following conditions:

(1) Under the custody and control of a qualified property master, armorer, or assistant property master.

(2) While handling the firearm, the property master, armorer, or assistant property master is the only person who can hand that firearm to the performer or cast or crew member standing in for that performer during the scene. Only the property master, armorer, or assistant property master shall collect the firearm upon completion of the activity.

(3) A property master, armorer, or assistant property master shall have no other duties, responsibilities, or obligations during the time the property master, armorer, or assistant property master is preparing for the use of a firearm and that a firearm is in the possession of the performer. It remains their sole responsibility until firearms are no longer in use and have been locked away.

(4) As indicated in safety bulletins of the Industry-Wide Labor-Management Safety Committee, a safety meeting shall be conducted when firearms are involved in a scene.

(5) The employer shall identify a person for performers, crew, labor organization representatives, and the division to contact for issues regarding compliance.

(6) The employer has ensured sufficient staffing of qualified property masters, armorers, or assistant property ~~masters, reflective of the scene risk assessment.~~
masters.

(b) A qualified property master, armorer, or assistant property master handling a firearm in the course of the motion picture production shall have all of the following:

(1) A current entertainment firearms permit or current dangerous weapons permit or license issued by the California Department of Justice.

(2) A joint entertainment industry labor-management firearm safety industry-specific training course certificate with training on industry protocols, state and federal law, and best practices on safety.

(3) One of the following:

(A) A signed rental sheet or copy of a completed Bureau of Alcohol, Tobacco, Firearms and Explosives "ATF Form 4473," stating the lawful transfer of Title 1 Firearms to that property master, armorer, or assistant property master or a copy of a current Federal Firearms License (FFL) establishing the property master, armorer, or assistant property master as the lawful possessor of the firearms who may obtain and retain custody of all firearms used in motion picture productions.

(B) In the event of the use of restricted firearms classified under the Bureau of Alcohol, Tobacco, Firearms and Explosives National Firearms Act Division (ATF NFA) rules, and including "assault weapons," as defined by California law, a set of current dangerous weapons permits issued by the Department of Justice, or in the absence of such permits, a clearly dated extension letter for 120 days from the Department of Justice Bureau of Firearms permitting the property master, armorer, or assistant property master to continue their activities with restricted firearms, and a signed rental sheet from the federally licensed armory providing the firearms, or a current FFL and current ATF Special Occupational Tax Stamp establishing lawful possession of restricted firearms by that property master, armorer, or assistant property master shall be presented for the property master, armorer, or assistant property master to obtain and retain custody of NFA firearms. In such a case, the dangerous weapons permits issued by the Department of Justice shall supersede the entertainment firearms permit.

9154. (a) Employers engaged in motion picture production shall report to the division any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment pursuant to Section 342 of Title 8 of the California Code of Regulations. Pursuant to Section 6309, if the division learns or has reason to believe that an employment or place of employment is not safe or is injurious to the welfare of an employee, the division, on its own motion or upon complaint, may summarily investigate the employment or place of employment. Every inspection conducted by the division shall include an evaluation of the employer's injury prevention program established pursuant to Section 6401.7 and any risk assessment for those participating in the pilot *program* established pursuant to ~~Section 9151.~~ *Sections 9152 and 9152.5.*

(b) Pursuant to Sections 6314 and 6317, if, upon inspection or investigation, the division determines that an employer has violated any standard, rule, order, regulation or these provisions, the division may with reasonable promptness issue a citation to the employer.

9155. (a) Ammunition shall not be permitted on a motion picture production, except as follows:

(1) In the controlled and supervised environment of a shooting range or equivalent and for the purposes of actor training or postproduction gunfire sound recording, a documentary, except reenactments, or firearms education.

(2) Where ammunition is essential to the subject matter of the work, such as a competitive reality show, a documentary, except dramatic reenactments, or a firearms education and safety training production.

(3) While filming footage of trained military or police personnel firing weapons in a controlled military or police facility.

(b) In the exceptions set forth in subdivision (a), all range safety rules, federal, state, and local laws, and Industry-Wide Labor-Management Safety Committee Safety Bulletins #1 and #2 shall be followed under the supervision of the property master, armorer, or qualified assistant property master. Appropriate medical personnel shall be available.

9156. Every employer shall ~~ensure~~ *require* that any employee responsible for handling, or in proximity to, firearms on set completes ~~the~~ *a* Contract Services Administration Trust Fund (CSATF) Firearms Safety Course for the Entertainment Industry, or an equivalent training, as determined by the ~~committee~~. *Industry-Wide Labor-Management Safety Committee*. This training requirement shall be paid for by the employer and is not limited to crew or guild members.

9157. An employer shall comply with this part and any applicable safety standard.

9158. This part does not apply to the following persons when they are on the perimeter of a set where motion picture production is happening:

(a) A registered security guard carrying a firearm in compliance with security guard firearms qualifications established in Sections 7583.2 to 7583.5, inclusive, of the Business and Professions Code, who is employed to provide security to the motion picture production and who, in the scope and the course of that employment, is at all times in possession and control of the firearm.

(b) A sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties and who, in the scope and the course of their duties, is at all times in possession and control of the firearm.

9159. The division shall enforce this part.

9160. This part shall not prevent or limit employer adoption of stricter safety standards.

9161. This part shall become operative on January 1, 2025.

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