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AB 2321 Now Makes it a Crime to Interfere with a Cal/OSHA Inspection

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Effective January 1, 2027, AB 2321 amends Labor Code Section 6314 making it a crime to willfully “interfere” with a Division of Occupational Safety and Health (Cal/OSHA) inspection. The new law amends several other Labor Code sections, strengthening coordination among Cal/OSHA, first responders, law enforcement agencies, district attorneys, and other prosecutors. It also broadens the circumstances in which Cal/OSHA’s Bureau of Investigation (BOI) can review a case for potential criminal referral.

Taken together, AB 2321 creates significant new potential criminal exposure related to Cal/OSHA inspections. Serious workplace incidents, especially those involving serious exposures, are more likely to trigger coordinated criminal investigations involving Cal/OSHA’s BOI and local prosecutors. In line with the recent expansion of the BOI staff, a larger percentage of serious workplace accidents may be referred to district attorneys by Cal/OSHA. Employers should assume that a serious incident could trigger criminal scrutiny much earlier in the investigative process.

Key Changes

1. New Criminal Liability for Interfering with a Cal/OSHA Inspection

Amendment to Labor Code section 6314 makes it a crime to willfully resist, prevent, impede, or interfere with the Cal/OSHA chief or an authorized representative performing inspection and investigation duties. It would also apply to willful violations of court orders relating to those duties.

A violation could be punished by up to six months in county jail, a fine of up to \$5,000, or both. By codifying these criminal consequences, the new law raises the stakes for employer conduct affecting inspections, investigations, subpoenas, and related enforcement activity.

These new criminal penalties apply broadly within the workplace inspection framework and could arise in many common walkaround inspection situations. While AB 2321 raises significant concerns all by itself (for which it may be subject to constitutional challenge) it is especially troubling in conjunction with [Cal/OSHA’s proposed walkaround rule](#) which contemplates expansion of the number and role of employee representatives in the inspection process.

2. Broader Disclosure of Confidential Information

Labor Code section 6322 generally protects confidential information obtained during a Cal/OSHA inspection or proceeding. AB 2321 creates an exception allowing Cal/OSHA to provide otherwise confidential information to law enforcement officers or prosecutors for use in an investigation or prosecution.

This change could give prosecutors earlier access to materials developed during the Cal/OSHA investigation.

3. Expanded First Responder Reporting for Serious Workplace Incidents

Amendments to Labor Code section 6409.2 add “serious exposure” to the incidents that trigger notification obligations for first responders. Responding state, county, or local fire and police agencies will be required to notify both the nearest Cal/OSHA office and the district attorney’s office in the county where the incident occurred.

Cal/OSHA, in turn, would be required to notify BOI and the district attorney or other appropriate prosecuting authority. That duty would apply regardless of whether Cal/OSHA learned of the incident from a responding agency, the employer, or another source.

Because what a first responder may consider a “serious exposure” could be interpreted broadly, this may lead to additional reports and Cal/OSHA inspections.

4. Broader Criminal Liability for Willful Violations

Labor Code section 6425 currently addresses criminal liability for any employer or manager whose willful violations cause an employee’s death or permanent or prolonged bodily impairment. AB 2321 expands the provision to encompass willful violations that cause a “serious injury or illness” or a “serious exposure.” This amendment expands the range of incidents that could lead to criminal liability outside of death or permanent impairment.

5. Serious Exposure can Trigger a BOI Investigation

The bill repeatedly adds “serious exposure” events, not just actual injuries or fatalities, as triggers for investigation and potential criminal enforcement. Employers could therefore face heightened scrutiny following incidents involving significant employee exposure to hazardous substances or conditions, even where no employee suffers a serious injury.

What This Means for Employers

AB 2321 expands Cal/OSHA’s enforcement process with additional potential criminal exposure. Following a serious incident, employers could face additional criminal investigations, faster escalation to prosecutors, and broader disclosure of information gathered during a Cal/OSHA inspection.

Given the potential increased criminal liability, having comprehensive inspection protocols are critical. Employers should consider taking the following steps in preparation for AB 2321’s January 1, 2027 effective date:

- **Review & update inspection procedures:** Review inspection protocols and provide employees with clear

instructions on what to do during an Cal/OSHA inspection, including escalation procedures in the event there are disagreements with Cal/OSHA regarding inspection scope or process.

- **Inspection readiness:** Train personnel to cooperate appropriately with Cal/OSHA while promptly involving designated management and legal contacts.
- **Reporting practices:** Review how potentially serious injuries, illnesses, and exposures are identified and reported.
- **Privilege considerations:** Engage counsel early to structure privileged legal advice and sensitive incident reviews appropriately.

In anticipation of this new law, Conn Maciel Carey will be providing a Cal/OSHA Inspection Masterclass on November 16, 2026. More details are provided [here](#). For more information about AB 2321 or Cal/OSHA inspection readiness, please contact [Rachel Conn](#) or [Kathryn Tanner](#).