

California: Reproductive Loss Leave Enacted

Effective January 1, 2024, employers with five or more paid employees must grant their employees up to five days of reproductive loss leave following a **reproductive loss event** (loss), which is the day—or for a multiple-day event, the final day—of a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. To be covered by the law, employees must have worked for their employer for at least 30 days prior to taking the leave. Leave is limited to no more than 20 days within a 12-month period, even if an employee experiences more than one loss within that time.

Leave can be taken on nonconsecutive days but must be taken within three months of the employee's loss. Employees that take any other leave—prior to or immediately following a loss—must complete their reproductive loss leave within three months of the other leave ending.

Reproductive loss leave must be taken in accordance with any existing, applicable employer leave policy. If no such policy exists, the reproductive loss leave may be unpaid. Employees may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is available to them so they can be paid during the otherwise unpaid leave.

Employers must maintain the confidentiality of any employee requesting reproductive loss leave and can't retaliate against them for requesting the leave, taking the leave, or exercising other rights under the law.

([CA SB 848](#) was signed by the governor on October 10, 2023)