CALIFORNIA · H&SC §§ 38532, 38533 & 44475

California Climate Disclosure (SB 253, SB 261 & AB 1305)

OAL 17 CCR §§ 96070–96077, Dec 10 CARB fee notices, 9th Cir. stay on SB 261 & AB 1305

1. Statutory Scope, Thresholds & Key Dates

Statute & Citation	Covered Entities	Core Duty & 2026–2030 Deadlines	Current Enforceability
SB 253 (H&SC § 38532; 17 CCR 96070–77)	U.S. entities >$1B global revenue doing business in CA (>$757k sales)	Scope 1/2 (Nov 10, 2026 passed); Dec 10 fee notice (60d); 2027 Scope 3 + lim. assurance	LIVE & Enforceable (up to $500k/yr civil penalty)
SB 261 (H&SC § 38533)	U.S. entities >$500M global rev in CA (insurers exempt)	Biennial TCFD climate-related financial risk report on company website	ENJOINED (9th Cir. stay; voluntary CARB docket only)
AB 1305 (H&SC §§ 44475–44475.3)	Entities selling offsets or making net-zero/reduction claims in CA (no rev floor)	Public website disclosure of offset registries, protocols & verification	LIVE since Jan 1, 2024 ($2,500/day, $500k cap)

2. Operational Requirements & Enforcement

- **Nov 10 Passed -> Dec 10 Fees:** Every covered >$1B entity faces CARB fee determination notices issuing Dec 10, 2026 (payable within 60 days) regardless of filing pathway.
- **SB 261 Is Enjoined, AB 1305 Is Not:** Keep SB 261 reports in draft readiness during the Ninth Circuit stay, while actively verifying AB 1305 webpage disclosures for offsets and net-zero claims.
- **Scope 3 Target Focus:** Prepare supplier spend and travel records around CARB's proposed 5 starter Scope 3 categories (Cats 1, 3, 5, 6, 7) ahead of 2027 formal rulemaking.



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California Post-Nov 10 Execution & Governance Checklist

Step-by-step workflow from utility data verification through filing & compliance proof

Step	Owner / Team	Auditable Deliverable
1. Fee Contact & Remittance	Tax / Controller	Verify CARB Intake contact and pay Dec 10, 2026 fee notice within 60 days (§§ 96073–96075).
2. 2027 Assurance Bridge	Sustainability / Audit	Convert any 2026 Statement of Non-Reporting into metered Scope 1/2 + 5-cat Scope 3 pipeline.
3. AB 1305 Website Scrub	Legal / Marketing	Audit all net-zero/carbon-neutral webpages & offset serials against H&SC § 44475 disclosures.
4. SB 261 TCFD Shelf Pack	Finance / Risk	Maintain internal 4-pillar TCFD draft without public filing while 9th Cir. stay holds.

Key Questions & Edge-Case Rules

- **Do we still owe CARB's December 10, 2026 fee if we filed a Statement of Non-Reporting on November 10?** Yes. Under 17 CCR §§ 96073–96076, every covered entity over $1 billion doing business in California is assessed the flat annual program cost-recovery fee payable within 60 days of CARB's notice, regardless of whether it submitted emissions data or a non-reporting statement.
- **Is California SB 261 back in force in November 2026?** No. Enforcement of SB 261 remains stayed under the Ninth Circuit's November 18, 2025 preliminary injunction in Chamber of Commerce v. Sanchez (No. 25-5327). CARB has confirmed it will not enforce SB 261 while the injunction remains active, though voluntary filings remain open.
- **Does AB 1305 have a $500 million or $1 billion revenue threshold?** No. California's Voluntary Carbon Market Disclosures Act (AB 1305) applies with no revenue minimum to entities operating in California that market or sell voluntary carbon offsets or make carbon-neutral, net-zero, or significant GHG reduction claims.

Primary Sources & Statutory Citations

- CARB — Corporate GHG Reporting & Climate-Related Financial Risk Program (17 CCR §§ 96070–96077)
- California Office of Administrative Law (OAL)
- California Legislative Information — SB 253 (H&SC § 38532)
- BC ESG — California SB 253, SB 261 & AB 1305 Filing Pack & Bot Routines

Canonical Guide: https://bcesg.org/california-sb-253-sb-261-compliance-playbook/

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