



Actionable Insight You Trust ®

October 2023 ARTICLES

STATE LEGISLATIONS

1. **What Florida's SB 264 Means for Foreign Ownership of Real Property**
2. **New York State Commission on Ethics and Lobbying in Government Declared Unconstitutional**
3. **Connecticut Follows in the Footsteps of Other Jurisdictions Requiring Registration of Pharmaceutical Representatives**
4. **Crafting a Measured Response to the Right-To-Repair Movement**
5. **At a Glance: Legal Efforts to Limit Discrimination Through AI**
6. **California Adopts Climate Disclosure Laws that Could Affect Businesses Nationwide**
7. **Governor Signs Bill Prohibiting Any Grocery Store Purchases Without Prior Written Notice To The Attorney General**
8. **2023 Texas Legislative Updates to Low Income Housing Tax Credit Developments**
9. **California Legislature Passes Significant Climate Disclosure Bills With Potential Broad Scope**
10. **Massachusetts Enacts Single Sales Factor as Part of Legislative Compromise**
11. **Ctrl-Alt-Delete: California Legislature Passes Delete Act**

BIG BRANDS

1. **Dracula as a Model for Compliance Positioning, Branding, and Leadership**
2. **How Do You Like Them Apple (Trademarks)? Malus Musings on Brand Protection**
3. **The Briefing: When Parmesan isn't Parmesan – Cheese Consortium Attempts to Fight Off Counterfeit Cheese**
4. **Five Public Relations Outreach Strategies That Can Benefit Your Law Firm**

5. **Illini Win to Fight Another Day for Disavowed Chief Illiniwek**
6. **How To Protect Your Brand From Competitors This Holiday Season**
7. **When is Rebranding a \$4 Billion Mistake? Time Will Tell With Twitter's Decline**
8. **District Court Decision Digs Deep into the FTC and Agency Law**
9. **AD Nauseam: Negative Options – From Wine, to Cookies, to Gyms – Everything You Need to Know**
10. **Protecting Your IP & Confidential Info**

CFPB

1. **Texas federal district court issues preliminary injunction enjoining CFPB from implementing and enforcing small business lending rule on nationwide basis against all covered entities**
2. **AFSA raises concerns about sufficiency of CFPB's Supervisory Highlights**
3. **Medical Financing Disclosure Bill Introduced in Illinois**
4. **NJAG and FTC announce \$4.605 million settlement with for-profit college over job placement rate claims and income share agreements.**
5. **CFPB report reveals high credit card costs, growing debt, digital shift in 2022**
6. **CFPB Issues Guidance on Use of AI in Credit Decisioning**
7. **CFPB Proposes Financial Data Rights Rule to Promote Open Banking**
8. **CFPB, DOJ Caution Financial Institutions About Immigration Status Discrimination**
9. **The Power of the Purse: Supreme Court Hears Argument on Constitutionality of CFPB Funding Structure**
10. **CFPB and DOJ Joint Statement Signals Increased Fair Lending Scrutiny for Noncitizen Borrowers**

IN THE WORKPLACE

1. **Don't Slack on Slack data retention**
2. **Considerations for Addressing DOJ's Corporate Compliance Guidance on Mobile Devices and Messaging Platforms**
3. **Part 2: 5 Key Components of a Whistleblowing Hotline System**
4. **How State General Privacy Laws Apply to Healthcare Providers - October 2023**

5. **EEOC Releases Proposed Workplace Harassment Guidelines After Six Year Delay**
6. **Emergency workplace measures in Israel**
7. **EEOC Proposes New Guidance on Harassment in the Workplace**
8. **California Adopts New Workplace Violence Prevention Law**
9. **Generative AI in the Workplace: It's Not 'The Matrix' Reloaded**
10. **Categories The Importance of Trust, Accountability, and Ethics in the Workplace**

CYBERSECURITY AND DATA PRIVACY

1. **Troutman Pepper Weekly Consumer Financial Services Newsletter - October 2023 # 5**
2. **FTC Amends Safeguards Rule to Require Notification of Unauthorized Data Acquisitions to the Agency**
3. **President Biden Signs Executive Order Setting Forth Broad Directives for Artificial Intelligence Regulation and Enforcement**
4. **Data Breach 911: Five Immediate Steps to Take**
5. **Cyber Fraud Alleged by Former CIO for Purported Noncompliance With DoD Cyber Requirements**
6. **Draft Principles on Advanced Artificial Intelligence Signal Increased Efforts Toward Global Cooperation**
7. **White House Issues Sweeping AI Executive Order: 10 Things Employers Need to Know**
8. **New Proposed Rules Published for Cyber Incident Reporting and Cybersecurity Requirements Will Have Major Impacts on Federal Contractors**
9. **Litigation Readiness: Seven Things to Keep in Mind**
10. **SEC Division of Examinations Announces 2024 Priorities**

EMPLOYMENT AND BACKGROUND CHECKS

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2. **California Employers: Amended Ban-the-Box Regulations Effective October 1, 2023**
3. **California's New Background Check Regulations: 10 Frequently Asked Questions**

4. **Workplace Law Update: 10 Essential Items on Your October To-Do List**
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6. **Employer Justified in Terminating Manager Over Disparaging Mask Mandate Comments**
7. **Calling Your Wage and Hour Lawyer Might Save Your Company \$22 Million**
8. **Employer Drug-Testing Policies Must Evolve With State Law**
9. **Plaintiffs Attorneys on What Employers Should Know Today**
10. **When Strikes Break New Ground: The Legal Implications for Workers Engaged in Protest**

INTERNATIONAL

1. **No more than necessary - Singapore Court of Appeal limits court's power to set aside arbitral award**
2. **PH Arbitration Speedread: English Court Sets Aside Multibillion-Dollar Award Procured by Fraud**
3. **If You Cannot Enforce a Judgment in Your Jurisdiction, You May Still Be Able to Enforce in England**
4. **How International Commercial Arbitration Can Be More Efficient, Speedier, and Less Costly**
5. **Ask, and you shall receive – English Court of Appeal grants anti-suit injunction in support of foreign arbitration**
6. **UK Supreme Court Guidance on Staying Proceedings in Favour of Arbitration**
7. **US-China Trade: Outbound Investment Control Regime in Sensitive Technologies**
8. **Understanding the Differences in the Enforcement of Arbitration Awards and Expert Determinations**
9. **Middle East A&O disputes update: the UAE revises its Arbitration Law**
10. **English Courts Provide Guidance on Staying Court Proceedings in Favour of Arbitration**
11. **The Law Commission's final report on its review of the Arbitration Act 1996: Maintaining UK's leading reputation for arbitration?**

LAWSUITS

1. **Mandatory Arbitration and Class Action Waivers by Amendment: Easier Said Than Done**
2. **PH Arbitration Speedread: English Court Sets Aside Multibillion-Dollar Award Procured by Fraud**
3. **When is a Court Filing Considered “Frivolous,” Allowing for Court Sanctions?**
4. **New California Law Prohibits Automatic Stay of Trial Court Action When Appealing Denial of a Motion to Compel Arbitration**
5. **Tennessee Supreme Court Permits Consideration of Extrinsic Evidence in Dispute About Capacity to Enter Power of Attorney Used to Sign Arbitration Agreement**
6. **Biden Administration to Appeal Surprise Billing Defeat**
7. **Supreme Court declines to clarify enforceability of mandatory arbitration provisions for fiduciary breach claims**
8. **How International Commercial Arbitration Can Be More Efficient, Speedier, and Less Costly**
9. **In a Surprise Move, California Enacts Boatload of New Pro-Employer Laws – Nah, Just Kidding, It’s Going to be More Burdensome than Ever!**
10. **California ends automatic stays of litigation when orders denying motions to compel arbitration are appealed**

MARIJUANA

1. **Minnesota asks for Initial Comments**
2. **High Protections on Information Relating to Employees’ Cannabis Use**
3. **Cannabis Litigation Alert: Commerce Clause Back on Blast**
4. **California Laws Come into Effect Regarding Off-Duty Marijuana Use**
5. **Washington, D.C. Medical Cannabis Update: Expanded Medical Cannabis Access, Social Equity Opportunities and Open Licensing Periods**
6. **Minnesota Cannabis Grant Programs Aim to Help Entrepreneurs Succeed and Promote Social Equity**
7. **Oregon Aspergillus Testing No Longer Required, but Requirements Vary Across States**
8. **Bankruptcy in the Cannabis Space**

9. **Chronic Payments: Unraveling the Complexities of Cannabis Banking — Payments Pros: The Payments Law Podcast**
10. **New York's Cannabis Control Board Extends Adult-use Application Window Deadlines**

COMPLIANCE

1. **Federal and Florida Officials Discuss Enforcement Priorities, How Companies Can Minimize Risk**
2. **Stressed Out - Final Interagency Guidance on Climate Risk Management for Large Banks**
3. **Breaking With Precedent - New Guidance on Future CFTC Enforcement Resolutions**
4. **First Biometrics, Now Genetics: Is GIPA the Next BIPA for Employers to Worry About?**
5. **Profiles in Effective CEO Leadership**
6. **SEC Enforcement Division Director Clarifies Approach to Compliance Officer Liability**
7. **Government To Standardize Cybersecurity Requirements and Use of the False Claims Act as a Primary Enforcement Tool**
8. **Redacting Medical Records: The Crucial Role of De-identification in Preserving Privacy**
9. **New Final AI Regulation from Colorado Department of Insurance—Others Likely to Follow Suit**
10. **Simplicity – the Key to Compliance Persuasion**