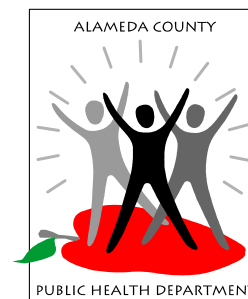


Public Health Legislation from the 2004 California Legislative Session

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Legislative Council,
Alameda County Public Health Department



Purpose

This document was created to serve as a reference guide for Alameda County Public Health Department (ACPHD) staff and community members. It provides a brief summary of all public health related legislation considered during the 2004 session of the California State Legislature and is organized by Divisions and the Department's strategic directives (shelter, safety and transportation).

The intent of this document is to provide you with background on existing legislation, to help you identify gaps requiring additional legislation, and to motivate you to become active in the legislative process. A more detailed description of all included legislation can be found at www.leginfo.ca.gov, which was the main source for this document and the bill summaries.

Definitions

The final status of each bill will be listed as one of the following:

- **CHAPTERED** – A chaptered bill is one that was passed by the legislature, delivered to the governor, and signed into law by the governor.
- **VETOED** – A vetoed bill is one that was passed by the legislature, delivered to the governor, and vetoed by the governor. This bill did not become law.
- **All others** – Any other status listed other than chaptered or vetoed indicates that the bill did not make it through the legislature and was not delivered to the governor.

Legislative Council

This document was prepared under the auspices of the Alameda County Public Health Department Legislative Council. The Legislative Council is comprised of eight active members from the following divisions and areas: Administrative Services, Community Health Services, Communicable Disease Control & Prevention, Emergency Medical Services, Family Health Services, Public Health Nursing, the Office of AIDS, and the Office of the Director. The mission of the Council is to raise awareness of public health issues throughout Alameda County and to develop and implement a locally focused, strategic legislative plan for ensuring that public health policies and programs are based on community needs and interests. We encourage you to participate in the legislative process by helping to shape the legislative priorities of the department, by encouraging the department to adopt a position on legislation, and by developing legislative proposals. You are also welcome to attend one of the Council's bi-weekly meetings to observe the Council's process. For additional information about the Legislative Council contact Pam Willow, the Legislative Council Coordinator, at 208-5905 or Pam.Willow@acgov.org or visit us on the web at <http://www.acgov.org/publichealth/>.

Feedback

We would appreciate any feedback on the usefulness of this document and how it can be improved upon in the future. Please forward any questions or comments to Pam Willow, the Legislative Council Coordinator, at 208-5905 or Pam.Willow@acgov.org.

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Community Health Services

- AB 57
Bates *Controlled substances: Ecstasy (MDMA: XTC)*
Existing law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. The drug 3,4-Methylenedioxymethamphetamine, also known as MDMA, XTC, or Ecstasy, is a psychoactive drug possessing stimulant and hallucinogenic properties that is not classified within any of the schedules under the state controlled substances law, but is classified as a Schedule I drug under the federal controlled substances law. This bill would classify the drug 3,4-Methylenedioxymethamphetamine, also known as MDMA, XTC, or Ecstasy, as a Schedule I controlled substance, unless it is contained in a drug product approved pursuant to federal law, as specified, in which case the substance would be classified as a Schedule III controlled substance.
Status: In Senate Com. on Pub. S. Failed passage. (last activity 6/29/04)
- AB 216
Chan *Alcohol: fee: youth alcohol recovery and prevention*
This bill would require the State Board of Equalization to collect a fee, as specified, from any beer manufacturer, distilled spirits manufacturer, beer importer, and distilled spirits importer, with specified exemptions. This bill would require the State Department of Alcohol and Drug Programs to distribute, upon appropriation, the fees to counties to fund alcohol recovery and prevention centers in this state in accordance with a specified allocation methodology. This bill would require that the centers be administered by the counties in which they are established. This bill would require that all fees, and earnings thereon, be expended, upon appropriation by the Legislature, only for purposes of this bill, as specified. This bill would become operative only if no bill from the 2003-04 Regular Session that imposes or increases any surtax on alcoholic beverages is chaptered. This bill would only be operative for years, commencing with 2005, for which the Director of Finance determines that a prudent reserve threshold is met, as specified.
Status: From Assembly Com. on Health without further action pursuant to Joint Rule 62(a). (last activity 1/20/04)
- AB 292
Yee *Interpreters: prohibition on use of children*
This bill would prohibit specified state or local governmental agencies, or public or private agencies, organizations, entities, or programs that receive state funding, from using any child, or permitting any child to be used, as an interpreter, as defined, in any matter involving the business or function of that agency, organization, entity, or program, except as specified, and would require each agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for providing competent interpretation services that does not involve the use of children, as defined.
Status: Read second time, amended, and re-referred to Sen. Com on Appropriations. (last activity 8/04/04)
- AB 384
Leslie *Tobacco products: correctional facilities*
Existing law allows the Director of the Department of Corrections to prescribe and amend rules and regulations for the administration of state prisons. Existing law includes tobacco products among the products that may be authorized for sale to inmates at state prison facilities. Existing law allows the Director of the Department of the Youth Authority to make and enforce all rules appropriate to the proper accomplishment of the functions of the department, including the correction and rehabilitation of young persons who have committed public offenses. Existing law includes tobacco products among the products that may be authorized for sale to inmates at Youth Authority facilities. This bill would prohibit the possession or use of tobacco products by inmates and wards under the jurisdiction of the Department of Corrections and the Department of the Youth Authority. It would require the directors of these departments to adopt regulations to implement this prohibition, and would require that these regulations include an exemption for departmentally approved religious ceremonies. The bill would, in addition, prohibit the use of tobacco products by any person not included among those described above on the grounds of any institution or facility under the jurisdiction of the Department of Corrections or the Department of the Youth Authority, with the exception of residential staff housing where inmates or wards are not present. It would eliminate tobacco products from the list of

items that may be sold at those institutions and facilities.

Status: **CHAPTERED** (9/27/04)

AB 539

Dentistry: dental hygienists

Laird

This bill would require the board to authorize and license a 3rd or 4th year dental student who is in good standing in an accredited California dental school as a dental hygienist. The bill would specify that these students may practice as registered dental hygienists only in dental practices that serve patients insured by Denti-Cal, the Healthy Families Program, or other government programs, or that charge fees based on income. The bill would provide that the licenses of these students would be granted for 2 years, without the ability for renewal, and would automatically be revoked when a license to practice dentistry is received.

Status: **CHAPTERED** (8/25/04)

AB 549

School facilities: smoking

Cohn

This bill would require a school district to prohibit smoking by any person on any school site where a school facility is being constructed, reconstructed, rehabilitated, or repaired.

Status: Referred to Senate Com. on Pub. S. (last activity 2/17/04)

AB 1006

The Healthy Schools Act of 2003

Chu

Existing law generally regulates pesticide use. Existing law, the Healthy Schools Act of 2000, requires the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management by school districts. This bill, the Healthy Schools Act of 2004, would prohibit all public schools from using the most highly toxic pesticides, as listed, on school property. This bill would provide that its provisions would not apply to antimicrobial pesticides, products deployed in the form of a self-contained bait or trap or as a crack and crevice treatment, agricultural uses or activities undertaken by participants in agricultural vocational education, as specified.

Status: In Senate Agr. & Wat. Res. Com. Hearing canceled at the request of author. (last activity 6/15/04)

AB 1007

Dentistry

Nakano

Existing law provides for a Dental Board of California consisting of 14 members, including 8 practicing dentists. Existing law defines a "practicing dentist" to include a faculty member of a dental college or dental department of a medical college located in the state. This bill would revise the board membership to include a total of 8 dentists, 7 of whom are in active practice and one who is a full-time faculty member of a California dental college, and would specify that a minimum of 3 of the dentists would be in the full-time practice of general dentistry, and a maximum of 3 of the dentists may be dentists who practice in a specialty accredited by the American Dental Association.

Status: In Senate Com. on B. & P. Hearing canceled at the request of author. (last activity 6/09/04)

AB 1239

Cigarette taxation: fees

Wiggins

Existing law imposes various fees for the conduct of business in the state and imposes specified taxes on cigarettes and tobacco products. The Cigarette and Tobacco Products Tax Law imposes a tax on every distributor of cigarettes and tobacco products at specified rates, including additional taxes imposed under the Tobacco Tax and Health Protection Act of 1988 (Proposition 99), and the California Families and Children Act of 1998 (Proposition 10). Under existing law, states' attorneys general and various tobacco product manufacturers have entered into a Master Settlement Agreement (MSA), in settlement of various lawsuits, that provides for the allocation of money to the states and certain territories. The state has entered into a memorandum of understanding providing for the allocation of the state's share of moneys to be received under the MSA between the state and counties and certain cities in the state. Existing law requires any tobacco product manufacturer that sells cigarettes to consumers in California and does not participate in the MSA to place specified amounts into a qualified escrow fund by April 15 of each year. This bill would, on and after January 1, 2004, impose a fee, to be determined by the State Department of Health Services as prescribed, on specified tobacco product manufacturers who did not sign the MSA. The bill would create the Nonparticipating Tobacco Manufacturer Mitigation Trust Fund, to receive moneys derived from the imposition of the fee. Upon appropriation by the Legislature, the money in the

fund would be expended to reimburse the board for costs incurred in administering the fee and to fund purposes related to tobacco-related health measures including the creation, expansion, and administration of smoking cessation programs.

Status: Referred to Senate Coms. on Rev. & Tax. and H. & H.S. Hearing canceled at the request of author. (last activity 6/22/04)

- AB 1467
Negrete
McLeod *Dentist licensure requirement: Joint Committee on Boards, Commissions, and Consumer Protection*
1) Existing law provides for the licensing and regulation of dental professionals by the Dental Board of California, in the Department of Consumer Affairs. Under existing law, a person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school not approved by the board is eligible for the dental licensure examination if he or she has met specified requirements, including completing at least 2 academic years of education at an approved dental school. This bill would instead apply these requirements to graduates whose degree is issued by a foreign dental school that is neither approved by the board nor accredited by a body that has a reciprocal accreditation agreement with a commission or accreditation organization whose findings are accepted by the board. The bill would except from the requirements applicants who have passed Parts I and II of the National Board of Dental Examiners' examination by December 31, 2003, have provided those results to the board within a specified time period, and have passed a restorative technique examination by January 1, 2009. The bill would require applications for the restorative technique examination to be submitted by mail, and would provide that an applicant who fails to pass the restorative techniques examination after 4 attempts is not eligible to retake the restorative technique examination. The bill would require an applicant seeking to take the restorative technique examination again to meet certain requirements and would provide that failure to appear for the examination without good cause constitutes a failure to pass. (2) Existing law establishes the Joint Legislative Sunset Review Committee and, until January 1, 2012, requires the committee to hold public hearings and evaluate whether a board or regulatory program has demonstrated a need for its continued existence. This bill would change the name of the committee to the Joint Committee on Boards, Commissions, and Consumer Protection.
Status: **CHAPTERED** (4/13/04)
- AB 1657
Chan *Gelatin-based alcoholic beverages*
This bill would prohibit the sale, offering for sale, distribution, or import into this state of any prepackaged alcoholic beverage made with a gelatin, or other similar base, intended to solidify the product into a gelatinous, nonliquid state, unless it is sold, offered for sale, or intended to be sold for consumption on the premises in a business establishment that prohibits the presence of persons under 21 years of age on its premises.
Status: In Senate Com. on G.O. Failed passage. (last activity 6/22/04)
- AB 1853
Simitian *Dimenhydrinate: dextromethorphan: sale to minors prohibited*
Existing law regulates the sale of nonprescription drugs, as specified. This bill would, in addition, make it an infraction for any person in an over-the-counter sale to, without a prescription, willfully and knowingly deliver to a person under 18 years of age a nonprescription drug containing dextromethorphan.
Status: To inactive file on motion of Assembly Member Simitian. (last activity 5/27/04)
- AB 1899
Runner *Ephedrine: transport*
Existing law provides that it is a crime for any manufacturer, wholesaler, retailer, or other person or entity to fail to properly report, or obtain a business permit for, the sale, transfer, or furnishing of ephedrine or pseudoephedrine. Existing law also generally provides that it is a crime for any retail distributor to sell in a single transaction more than 3 packages of a product that he or she knows to contain ephedrine or pseudoephedrine or to knowingly sell more than 9 grams of ephedrine or pseudoephedrine. This bill would provide, in addition, that it is a felony, punishable as specified, for any person to transport into or within this state an amount in excess of one-half pound or 227 grams of ephedrine or pseudoephedrine. The bill would further provide that is a misdemeanor or felony for any person to transport into this state an amount in excess of 3 packages or 9 grams, but

less than one-half pound or 227 grams, of ephedrine or pseudoephedrine, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state.
Status: In Assembly Com. on Pub. S. Hearing canceled at the request of author. (last activity 3/30/04)

- AB 1909
Dutra *Product liability*
Under existing law, everyone is generally responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. Among other things, existing law sets forth certain exemptions with regard to product liability, as specified. This bill would provide that no manufacturer, distributor, or seller of food or nonalcoholic beverages intended for human consumption shall be subject to civil liability for personal injury or wrongful death based on an individual's consumption of that food or nonalcoholic beverages in cases where liability is premised upon the individual's weight gain, obesity, or a health condition related to weight gain or obesity and resulting from his or her long-term consumption, as defined, of food or nonalcoholic beverage that is in compliance with applicable statutory and regulatory requirements, with specified exceptions.
Status: Re-referred to Assembly Com. on Jud. (last activity 4/28/04)
- AB 1963
Salinas *Public health outreach: promotores de salud*
Existing law establishes programs for improvement of public health, including, but not limited to, programs related rural health, high blood pressure control, cancer awareness and prevention, asthma reduction, perinatal outreach, childhood lead poisoning prevention, AIDS prevention, and maternal health, including, provisions relating to program outreach services. Existing law establishes the Office of Multicultural Health within the State Department of Health Services and sets forth its duties, including, but not limited to, development of plans for the department to close the gaps in health status and access to care among diverse racial and ethnic communities. This bill would include within the duties of the office, encouragement of the use of promotores de salud, as defined, and community health workers to provide better health outcomes for rural and underserved communities through the various public health programs, and would make conforming changes in various public health programs to include their use.
Status: VETOED (9/24/04)
- AB 1988
Hancock *California Safe School Lunch Act*
Existing law authorizes the governing board of a school district to establish food services in the schools under its jurisdiction. The bill would prohibit a school from selling irradiated foods, unless specified conditions regarding those sales are met.
Status: VETOED (9/16/04)
- AB 2030
Cogdill *Cigarette and Tobacco Products Tax Law: hearings*
Under existing law, the State Board of Equalization is required to conduct an annual hearing before the full board where industry representatives and individual taxpayers are allowed to present proposals for changes to the Cigarette and Tobacco Products Tax Law that may improve voluntary compliance and the relationship between taxpayers and the government. This bill would require the State Board of Equalization to conduct at least 2 such hearings per year that may advance voluntary compliance and improve the relationship between taxpayers and government. This bill would also require the board to post quarterly on its website the cigarette and tobacco products revenues collected and disbursed from the previous quarter to specified funds.
Status: **CHAPTERED** (9/21/04)
- AB 2037
La Suer *Alcoholic beverages and controlled substances: minors*
Under existing law, the State Department of Health Services licenses and regulates primary care clinics. Existing law provides for the Child Health and Disability Prevention Program, under the supervision of the department of, pursuant to which certain health and disability prevention treatment services are provided to eligible children. Existing law provides for the Medi-Cal program, administered by the department, under which qualified low-income persons are provided with health

care services, including prescription benefits. Existing law creates the Perinatal Services Program, under the Medi-Cal program, to provide assistance to pregnant women and infants up to one year of age in families of qualifying incomes. Existing law requires the delivery of timely and continuing prenatal care during a period of presumptive eligibility pending a determination of eligibility under the application and eligibility determination and redetermination processes in the implementation of the Medi-Cal program. Existing law provides for the delivery of comprehensive clinical family planning services to any person who has a family income at or below 200% of the federal poverty level, and who is eligible to receive these services pursuant to a federal waiver under the Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program as a covered benefit under the Medi-Cal program. This bill would require the department to implement, on or before July 1, 2005, a process that allows an applicant for licensure as a primary care clinic to submit an application for review of the clinic's qualifications for participation in any of the above-described programs simultaneously with any review for enrollment and certification as a provider in the Medi-Cal program, and if approved for participation in a program, to be enrolled or certified, or both, as a provider in the program, subsequent to certification and enrollment as a provider in the Medi-Cal program.

Status: CHAPTERED (8/25/04)

AB 2132
Reyes

Pupil health: self-administration of asthma medication

Existing law provides that each pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician, may be assisted by the school nurse or other designated school personnel if the school district receives a written statement from the physician detailing the method, amount, and time schedules by which the medication is to be taken and a written statement from the parent or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement. This bill would authorize a pupil to carry and self-administer inhaled asthma medication if the school district receives the statements described above. The bill would require the written statements to be provided to the school district at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. The bill would subject a pupil to specified disciplinary actions if that pupil uses the inhaled asthma medication in a manner other than as prescribed.

Status: CHAPTERED (9/28/04)

AB 2136
Goldberg

Controlled substances: treatment

1) Existing law requires the State Department of Alcohol and Drug Programs to adopt any regulations necessary to ensure that every licensed narcotic treatment program is making a sustained effort to end the drug dependency of the patients. This bill would instead require that these regulations ensure that these programs make a sustained effort to end the improper use of legal drugs or the abuse of illicit drugs. (2) Under existing law, the department is responsible for licensing narcotic treatment programs to use replacement narcotic therapy in the treatment of addicted persons whose addiction was acquired or supported by the use of a narcotic drug or drugs, not in compliance with a physician and surgeon's legal prescription. This bill would authorize a patient who is either a defendant or probationer in a court supervised rehabilitation program to be directed by that court to discontinue narcotic replacement therapy only under specified conditions. (3) Existing law authorizes the department to enter into a Medi-Cal Drug Treatment Program contract with each county for the provision of services within the county service area. Existing law requires the department to establish fees for controlled substances dispensed to Medi-Cal beneficiaries under this program based on a per capita uniform statewide monthly reimbursement rate. Existing law requires that reimbursement under the program be limited to the lower of that uniform statewide monthly reimbursement rate or the provider's usual and customary charge to the public for the same or similar services. This bill would provide that if a narcotic treatment program provider establishes a sliding indigency scale for low-income persons who are not eligible to participate in the Medi-Cal Drug Treatment Program in accordance with requirements established by the bill, the provider shall be deemed in compliance with federal and state law for purposes of the application of an exception to reimbursement requirements.

Status: CHAPTERED (9/28/04)

- AB 2185 *Asthma treatment care*
Frommer Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a violation of the act's requirements a crime. Under the act, a plan is required to provide coverage for specified types of medication and medical equipment. This bill would require a health care service plan that covers outpatient prescription drug benefits and durable medical equipment to provide coverage for inhaler spaces, nebulizers, and peak flow meters when medically necessary for the management and treatment of pediatric asthma.
Status: CHAPTERED (9/23/04)
- AB 2187 *Schools: nutritional content chart*
Levine Existing law authorizes each school district to establish food service areas in any school under its jurisdiction. This bill would require each public school to post a chart containing the nutritional content of each food item served on campus. The bill would require the chart to be in public view within all school cafeterias, central eating areas, or other areas where food is served.
Status: Referred to Assembly Com. on Ed. Held under submission. (last activity 5/19/04)
- AB 2200 *School breakfast program*
Hancock Existing law requires the State Department of Education to provide information and financial assistance to schools to encourage participation in the federal School Breakfast Program. Existing law requires the department to award grants of up to \$15,000 per schoolsite for nonrecurring expenses incurred in initiating or expanding a school breakfast program. Existing law requires the department, in making grants, to give preference to school districts and county superintendents of schools that meet specified criteria. This bill would create a state-mandated local program by requiring each school district and county superintendent of schools maintaining kindergarten or any of grades 1 to 12 to make available to an eligible pupil a nutritionally adequate breakfast served through the national school breakfast program, commencing with the 2005-06 school year and each school year thereafter. The bill would require the Superintendent of Public Instruction to notify, in writing, school districts and county superintendents of schools of promising approaches to increasing school breakfast participation by promoting options including, but not limited to, Universal Classroom Breakfast, Second Chance Breakfast, and Grab-and-Go. The bill would authorize priority for existing state grant money to school districts and county superintendents of schools that were not operating a breakfast program prior to the 2005-06 school year.
Status: Referred to Assembly Com. on Ed. Held under submission. (last activity 5/19/04)
- AB 2223 *Marijuana: cultivation: personal use*
Longville Existing law generally provides that the cultivation of marijuana is a felony for which the punishment is incarceration in state prison. This bill would make an exception to this general rule by providing that any person who, solely for his or her own personal use, cultivates 6 or fewer marijuana plants grown in an area not larger than 16 square feet on private property with respect to which he or she has ownership or control shall, instead, be guilty of a misdemeanor for which the punishment would be a maximum fine of \$250 for each plant, community service, or both a fine and community service.
Status: Referred to Assembly Com. on Pub. S. Hearing canceled at the request of author. (last activity 3/30/04)
- AB 2296 *Alcoholic beverages: issuance of liquor licenses: protests*
Leno (1) Existing law provides that protests against the issuance of a liquor license may be filed with the Department of Alcoholic Beverage Control. Existing law permits the department to reject protests, except protests made by a public agency, public official, or governing body of a city or county, it determines to be false, vexatious, or without reasonable or probable cause. Existing law also permits a protestant whose protest has been rejected to file an accusation with the department, in which case the department is required to hold a hearing, as specified. This bill would also permit the department to reject protests it determines to be frivolous. (2) Existing law requires, in the case of a protest of the issuance of a liquor license, that a hearing be held not more than 60 days after the receipt of the protest by the State Office of Administrative Hearings. This bill would repeal this hearing

requirement and instead would establish procedures to be followed in cases in which the department recommends that a license be issued, notwithstanding that one or more protests have been accepted by the department. Under these procedures, the department would be required to notify the applicant and any party whose protest has been accepted in writing of its determination. The bill would provide for a hearing upon the request of any of these protesting parties who have filed a verified protest in a timely fashion pursuant to existing law, authorize the department to accept a late request for a hearing, limit the issues that may be determined at the hearing, provide that the protests of any person who did not request a hearing under these provisions shall be deemed withdrawn, authorize the department to issue the license without any further proceedings if no request for hearing is filed with the department, and provide that the protest is deemed withdrawn if the person requesting the hearing fails to appear at that hearing.

Status: CHAPTERED (8/30/04)

AB 2297
Vargas

Imported candy: lead contamination

Existing law, the Sherman Food, Drug, and Cosmetic Law, requires the State Department of Health Services to regulate manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act. Under existing law, the State Department of Health Services is responsible for administering the Childhood Lead Poisoning Prevention Act of 1991. Existing law requires the department to establish a childhood lead poisoning prevention program to identify and conduct medical followup of high-risk children, and to establish procedures for environmental abatement and followup designed to reduce the incidence of excessive childhood lead exposures. Existing law requires the department to assess a fee for these purposes against persons who contributed to sources of lead contamination. This bill would amend the Childhood Lead Poisoning Prevention Act of 1991 to require the department to, as a component of that program, regulate lead in imported candy and use those fees, upon appropriation by the Legislature, to regulate the lead content of imported candy. The bill would require the department to test imported candy to determine the presence of lead, to issue related health advisories, to order removal of, and to embargo, imported candy found to contain lead. The bill would require the department to adopt related regulations and to form an interagency collaborative. The bill would authorize the department to enter into contracts with county health officers and to provide grants to environmental justice organizations.

Status: In Sen. H&HS Com. Failed passage. (last activity 6/23/04)

AB 2324
Chan

Health data reporting: underrepresented ethnic and racial groups

Existing law requires the Office of Statewide Health Planning and Development to be the single state agency designated to collect health facility and clinic data, including Hospital Discharge Abstract Data Records. This bill would require each state program directly involved in furnishing information to, or rendering services to, the public to collect data regarding the race, ethnicity, and primary language of all participants, on a voluntary basis. The bill would require the Secretary of California Health and Human Services to convene a task force to delineate ways that each cabinet-level agency and its subdivisions can work together to eliminate the underlying determinants of racial and ethnic health disparities, would require that each cabinet-level agency and its subdivisions and the task force to file related reports, and would require the California Health and Human Services Agency to enhance its training programs. This bill would require the Legislative Analyst's office to conduct a study and to report on policy options to eliminate health disparities.

Status: In Asm. Appropriations Com. Held under submission (last activity 5/19/04)

AB 2327
Chan

Nutrition and physical activity curriculum

Existing law requires the State Board of Education to adopt instructional materials for use in kindergarten and grades 1 to 8, inclusive, and requires the board to ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the 6 and 8 year cycles for the submission of instructional materials for purposes of adoption. This bill would require the State Department of Education to incorporate specified nutrition and physical activity education curriculum content into the reading, English language arts, science, and mathematics curriculum framework at its next revision of the curriculum framework.

Status: In Asm. Appropriations Com. Held under submission. (last activity 5/19/04)

- AB 2342
Jackson *Drinking water: public health goals*
Existing law requires the Office of Environmental Health Hazard Assessment to establish and revise recommended public health goals for contaminants in drinking water and to prepare and publish an assessment of public health risks posed by each contaminant for which the State Department of Health Services proposes a primary drinking water standard. Under existing law, the office is periodically required to review these goals and revise them as necessary based upon new scientific data. This bill would authorize the office in conducting the revision of the public health goals to give special consideration to contaminants that cause or contribute to adverse health risks in members of subgroups that constitute a meaningful portion of the population. The bill would require the office, in preparing and publishing the risk assessments, to assess exposure patterns and special susceptibility on infants and children.
Status: CHAPTERED (9/22/04)
- AB 2367
Chan *Pupil health: asthma*
Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils. This bill would require a school district that receives an asthma action plan, as defined by the bill, that is submitted by a parent or guardian of a pupil identified as having asthma, to maintain the asthma action plan on file. The bill would require the school district to provide the asthma action plan, along with information on preventing and treating asthma attacks, to each teacher of the pupil for whom the action plan is submitted. This bill would also require a school district to provide annual training to all school staff that provides a basic understanding of asthma.
Status: In Asm. Appropriations Com. Held under submission. (last activity 5/19/04)
- AB 2390
Reyes *Dentistry*
(1) Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law provides that a person practices dentistry if the person, among other things, manages or conducts as manager, proprietor, conductor, lessor, or otherwise, in any place where dental operations are performed. This bill would exclude from the unlicensed practice of dentistry certain clinics and other entities that own or manage places where dental operations are performed if they comply with various requirements. (2) Existing law authorizes a dentist to operate one mobile dental clinic or unit that is registered and operated in accordance with regulations adopted by the board. Existing law also imposes specified registration requirements on a dentist who maintains additional places of practice. Other provisions of existing law, the Mobile Health Care Services Act, require, subject to specified exemptions, licensure by the State Department of Health Services to operate a mobile service unit. This bill would exempt certain mobile service units from the provisions of the Dental Practice Act that regulate mobile dental clinics or units and additional places of practice. (3) Existing law requires a dentist who desires to have more than one place of practice to pay a fee to, and receive permission in writing from, the board prior to opening an additional place of practice. This requirement does not apply to a dentist who also practices in certain primary and specialty care clinics. This bill would further exempt from this requirement a dentist who also practices in clinics operated by the federal government, a federally recognized Indian tribe, or a community clinic open for limited services no more than 20 hours per week. The bill would make corresponding changes.
Status: CHAPTERED (8/30/04)
- AB 2408
Yee *Bilingual services*
Under the Dymally-Alatorre Bilingual Services Act, every state agency, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, as required to employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person. The act provides that an employee of a state or local agency may not be dismissed to carry out the purposes of the act, and that an agency need only implement the act by filling employee public contact positions made vacant by retirement or normal attrition. This bill would also require the filling of newly created positions. The act requires each agency to conduct a

survey of its local offices every 2 years to determine prescribed matters, and requires the State Personnel Board to review the surveys and report any deficiencies to the Legislature. This bill would require the survey and report to include additional information, and, if deficiencies in bilingual staffing are identified, would require state agencies to fill public contact jobs with qualified bilingual staff, unless exempted by the board, as specified.

Status: VETOED (8/27/04)

AB 2433

Leno

Alcoholic beverage sales: closing hours

The Alcoholic Beverage Control Act provides that any on- or off-sale licensee, or agent or employee of the licensee, who sells, gives, or delivers to any person any alcoholic beverage between the hours of 2 a.m. and 6 a.m. of the same day, is guilty of a misdemeanor. This bill would, in the case of the City and County of San Francisco, change those hours to 4 a.m. and 6 a.m. of the same day, as provided. This bill would make a legislative finding and declaration of unique circumstances requiring a special statute.

Status: In Assembly Com. on G.O. Failed passage. (last activity 4/19/04)

AB 2483

Chan

Adolescent alcohol and substance abuse care

Existing law, the Adolescent Alcohol and Drug Treatment and Recovery Program Act of 1998, requires the State Department of Alcohol and Drug Programs, in collaboration with counties and providers, to establish community-based recovery programs to intervene and treat the problems of alcohol and drugs among youth. This bill would establish a 3-year pilot program to require the department to provide a one-time grant to prescribed counties to establish a coalition of representatives from all entities that receive public funds for youth services that would, among other things, develop an annual plan for each of the 3 pilot years to ensure an evidence-based methodology to provide services to adolescents with alcohol and other drug-related problems. The bill would require the department to evaluate the program and to report to the Legislature, the Governor, and other interested agencies by June 1, 2007.

Status: In Asm. Appropriations Com. Held under submission. (last activity 5/19/04)

AB 2491

Jerome

Horton

Cigarettes and tobacco products: Cigarette and Tobacco Products Licensing Act

(1) This bill would exclude cigars, weighing 3 pounds or less per 1,000, from the definition of cigarettes subject to the provision of the act that requires the reporting of ingredients added to cigarettes. This bill would authorize the State Board of Equalization to issue a temporary license to a retailer of tobacco products. This bill would require the State Board of Equalization to post on its Web site the name of any wholesaler or distributor whose cigarette and tobacco products license has been suspended or revoked. This bill would specify that a license issued to a manufacturer or importer is not transferable, and would also require any manufacturer or importer that is issued a license that does not commence business in the manner specified or designated in the license, ceases to do business in the manner specified or designated in the license, or is notified that the license is suspended or revoked, to immediately surrender that license to the board. This bill would also make technical, nonsubstantive changes to specified provisions of the California Cigarette and Tobacco Products Licensing Act of 2003. (2) The Cigarette and Tobacco Products Tax Law requires a tax imposed by that law with respect to distributions of cigarettes to be paid by distributors through the use of stamps or meter register settings, and requires that these stamps or meter register settings be affixed to each package of cigarettes sold. The board is authorized to seize, for forfeiture to the state, cigarettes and tobacco products (a) offered for sale that do not have the proper stamps or meter register settings affixed to the package, (b) for which the taxes have not been paid, or (c) offered for sale in violation of specified provisions of law. The board is required to give notice of seizure and forfeiture by registered mail and, except as prescribed, by publication in a newspaper of general circulation. This bill would, instead, require the board to give notice by certified mail and, except as prescribed, by posting the information on the board's Web site. This bill would make a technical, nonsubstantive amendment to the Cigarette and Tobacco Products Tax Law.

Status: CHAPTERED (6/30/04)

AB 2511

Oropeza

Alcoholic beverages: licenses

The Alcoholic Beverage Control Act authorizes the Department of Alcoholic Beverage Control to

impose reasonable conditions on the exercise of retail privileges under the act. The department may impose conditions on certain license transfers at the request of a local governing body in whose jurisdiction a license is located. Existing law requires the local governing body to make the request for imposition of conditions within 40 days after the department mails the notice of the transfer request, if the license to be transferred is located in an area of undue concentration, as defined. Existing law authorizes the department to extend the 40-day period for a period not to exceed an additional 20 days upon the written request of any local law enforcement agency or local government entity with jurisdiction. This bill would also authorize any affected state or federal agency to submit a written request to extend the 40-day period for a period not to exceed an additional 20 days.

Status: In Assembly Com. on G.O. Hearing canceled at the request of author. (last activity 4/19/04)

AB 2571
Longville

Alcohol and drug abuse professionals

Existing law provides for the licensure and regulation of various healing arts practitioners, including those who provide counseling-related services, such as psychologists, social workers, and marriage, family, and child counselors. This bill would create the Board of Alcohol and Other Drugs of Abuse Professionals in the Department of Consumer Affairs. The bill would provide for the licensing and certification of alcohol and other drugs of abuse professionals. The bill would prohibit a person from engaging in the professional practice of alcohol and other drugs of abuse counseling outside of a licensed or certified treatment facility unless the person is licensed. The bill would establish criteria and unspecified fees for certification and licensure to provide alcohol and other drugs of abuse counseling and treatment. The provisions of the bill on licensing and certification would become operative on January 1, 2006, subject to certain conditions, and would become inoperative and be repealed on January 1, 2007.

Status: In Asm. Health Com. Failed passage. (last activity 4/13/04)

AB 2686
Jackson

Schools: National School Lunch Program

Existing law requires each school district and county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day and defines a nutritionally adequate meal as a breakfast or lunch that qualifies for reimbursement under the federal child nutrition program regulations. Existing law requires the State Department of Education to ensure that the nutrition levels of meals served to school age children pursuant to the National School Lunch Act be of the highest quality and greatest nutritional value possible. This bill would encourage the governing board of a school district participating in the National School Lunch Program to disseminate information regarding the nutritional content of the lunches served as part of the program and to limit the amount of fat and saturated fat in the entrees served as part of that program in compliance with federal recommendations. The bill would require the State Department of Education include on its website information regarding compliance with those provisions.

Status: VETOED (9/15/04)

AB 2863
Pavley

School facilities: indoor air quality

(1) Existing law authorizes the Occupational Safety and Health Standards Board to adopt occupational safety and health standards and orders. Other existing law, the Leroy F. Greene School Facilities Act of 1998 (Greene Act), requires the State Allocation Board to allocate to applicant school districts funding for construction of school facilities, including funding for new construction and modernization. This bill would require a school district applying for funds pursuant to the Greene Act to include in its plans and specifications for the new construction or modernization of a school building an indoor air quality construction management plan. The bill would also require a school district to submit a plan to implement the Tools for Schools Program of the United States Environmental Protection Agency or an equivalent program equal in style and effectiveness to the State Allocation Board within one year of completion of the new construction or modernization. (2) Existing law requires a school district receiving funds pursuant to the Greene Act to establish a restricted account within the school district's general fund for the exclusive purpose of providing moneys for ongoing and major maintenance of school facilities, as provided. Other existing law authorizes the governing board of each school district to establish a restricted fund to be known as

the district deferred maintenance fund for the purpose of major repair or other maintenance, as specified. Existing law requires the State Allocation Board to apportion from the State School Deferred Maintenance Fund, to school districts, an amount equal to \$1 for each \$1 of local funds deposited in the district's deferred maintenance fund. This bill would authorize funds in a school district's restricted account and funds allocated from the State School Deferred Maintenance Fund to be used for repairs or renovations to prevent indoor air quality problems in school facilities and to implement the Tools for Schools Program of the United States Environmental Protection Agency, or an equivalent program equal in style and effectiveness. (3) Existing law requires a school district that desires an apportionment from the State School Deferred Maintenance Fund to file a 5-year deferred maintenance plan with the State Allocation Board. This bill would require a school district to include procedures for preventing indoor air quality problems in that plan commencing January 1, 2005, and to include completed checklists for ventilation and moisture intrusion commencing January 1, 2006.

Status: In Asm. Appropriations Com. Held under submission. (last activity 5/19/04)

AB 2886
Corbett

Taxpayer contributions: D.A.R.E. Fund

Provisions relating to the administration of personal income taxes allow individual taxpayers to contribute amounts in excess of their tax liability for the support of specified funds. This bill would allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the Drug Abuse Resistance Education (D.A.R.E.) Fund, which would be created by this bill. However, the bill would provide that a voluntary contribution designation for this fund may not be added on the tax return until another voluntary contribution designation is removed from that return. This bill would require that all moneys contributed to the fund pursuant to these provisions, upon appropriation by the Legislature, be allocated to the Franchise Tax Board, the Controller, and to the California Highway Patrol, as provided. This bill would provide that these voluntary contribution provisions are repealed on January 1 of the 5th taxable year following the taxable year the fund first appears on the tax return. The bill would further provide that these provisions are repealed for taxable years beginning on or after January 1 of the calendar year in which the Franchise Tax Board estimates by September 1 that the contributions made on returns filed in that calendar year will be less than \$250,000, or an adjusted amount for subsequent taxable years.

Status: Read second time, amended, and re-referred to the Sen. Com. on Rev. & Tax. (last activity 6/29/04)

AB 2927
Wiggins

Alcoholic beverages

The Alcoholic Beverage Control Act authorizes the issuance of a special temporary on-sale and off-sale beer and wine license to a nonprofit corporation, as specified, in accordance with, among other things, a requirement that this license shall be issued only once in any 12-month period. Existing law also restricts alcoholic beverages from being sold at less than the minimum retail price by a nonprofit corporation. This bill would provide that a special temporary license shall be issued only once in a calendar year, and would allow alcohol to be sold at less than minimum retail price by a nonprofit charitable corporation, as specified.

Status: **CHAPTERED** (9/14/04)

AB 2983
McCarthy

Air pollution: Clean Schoolbuses, Healthy Kids Program

Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law designates the state board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing regulations adopted by the state board establish the Lower-Emission School Bus Program, administered by the state board. This bill would declare the intent of the Legislature to establish the Clean Schoolbuses, Healthy Kids Program, to be administered by the state board in conjunction with the existing Lower-Emission School Bus Program.

Status: From printer. May be heard in committee 3/23. (last activity 2/22/04)

- SB 70
Torlakson *Education: after school programs*
Existing law establishes the After School Education and Safety Program Act, administered by the State Department of Education, for the purpose of creating incentives for establishing locally driven before and after school enrichment programs, which include physical fitness programs. The existing act authorizes the department to use specified funds to provide training and support to ensure quality program implementation, development, and sustainability. This bill would specify that training and support include the development and distribution of voluntary guidelines for physical activity programs and would declare that its provisions further the purposes of the act.
Status: In Asm. Appropriations Com. Held in Committee and under submission. (last activity 8/12/04)
- SB 74
Torlakson *State property: vending machines*
Existing law regulates various aspects of the provision of food and beverages in vending machines, including access to carbonated beverages at schools, the giving of priority to blind persons with respect to the operation of vending facilities on state property, the sanitation of vending machines and requiring public health permits, and the placement of vending machines in safety roadside rests on the state highway system. This bill would authorize each state agency, and each campus of the California State University, to survey users of vending machines on the state property under its jurisdiction as to their interest in the inclusion of food or beverages that meet accepted nutritional guidelines, as defined, in those vending machines. If the majority of respondents to a survey indicate a preference for the inclusion of food or beverages, or both, meeting accepted nutritional guidelines, it would authorize the agency or campus to require that at least 50% of the food, beverages, or both offered in each vending machine operated or maintained on state property under its jurisdiction meet accepted nutritional guidelines. It would also authorize the agencies or campuses to request employee groups or organizations, community groups, or others with expertise in the area of nutritional vending machines products to assist the agency or campus with information in this regard. The bill would additionally require vendors who operate or maintain vending machines on state property to provide specified information to users, upon request.
Status: In Assembly Business & Professions Com. Hearing postponed by committee. (last activity 6/22/04)
- SB 82
Margett *Ecstasy: sale of minors*
Existing law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. The drug 3,4-Methylenedioxymethamphetamine, also known as MDMA, XTC, or Ecstasy, is a psychoactive drug possessing stimulant and hallucinogenic properties that is not classified within any of the schedules under the state controlled substances law, but is classified as a Schedule I drug under the federal controlled substances law. This bill would provide that every person 18 years of age or older who transports, sells, furnishes, administers, or gives away to a minor any amount of Ecstasy is guilty of a felony and shall be punished by imprisonment in the state prison for a period of 3, 4, or 5 years.
Status: Returned to Secretary of Senate pursuant to Joint Rule 56. (last activity 2/2/04)
- SB 131
Sher *Marijuana possession: penalty*
Existing law provides that, except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor, punishable by a fine of not more than \$100, and if that person has been previously convicted 3 or more times of that offense during the previous 2 years and has been found guilty of the current offense after a trial, or has admitted guilt, the person is eligible for diversion, as specified. This bill would instead provide that (a) except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is, for the first offense, guilty of an infraction, punishable by a fine not to exceed \$500, and is, for the 2nd or any subsequent offense, guilty of an infraction or a misdemeanor, punishable by a fine not to exceed \$500; and (b) if that person has been previously convicted 2 or more times of that offense during the previous 2 years, the person is eligible for diversion, as specified.
Status: Placed on inactive file on motion of Assembly Member Leno. (last activity 8/27/03)

- SB 215 *Youth policy*
Alpert Existing law establishes the Governor's Mentoring Partnership, which includes specified legislative findings and declarations. These provisions state that it is the goal of the Legislature to give every young person in California access to a quality mentoring relationship. This bill would enact the Youth Policy Act. The act would create within the Governor's office the California Youth Policy Council (CYPC), as specified, to coordinate state policy regarding youth development. The bill would provide that the CYPC shall be convened only after a determination by the Department of Finance that nonstate donations in an amount sufficient to fully support the activities of the CYPC have been deposited with the state. These provisions would remain in effect until January 1, 2011.
Status: VETOED (9/29/04)
- SB 676 *Tobacco products: cigarette manufacturer fees*
Ortiz This bill would, on and after July 1, 2005, impose a fee, to be determined by the State Department of Health Services by regulation, on specified cigarette manufacturers who did not sign the MSA. The bill would establish the Tobacco Mitigation Trust Fund, to receive moneys derived from the imposition of the fee to be expended, upon appropriation by the Legislature, for the purposes of refunding fees, reimbursing the administrative costs of the State Board of Equalization, assisting individuals to access and utilize smoking cessation services.
Status: In Assembly G.O. Com. Held in committee without recommendation. (last activity 6/14/04)
- SB 928 *Dentistry licensure*
Aanestad (1) Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law provides that a person practices dentistry if the person, among other things, manages or conducts as manager, proprietor, conductor, lessor, or otherwise, in any place where dental operations are performed. This bill would exclude from the unlicensed practice of dentistry certain nonprofit entities that own or manage places where dental operations are performed if they comply with various requirements. (2) Existing law requires a dentist who desires to have more than one place of practice to pay a fee to, and receive permission in writing from, the board prior to opening an additional place of practice. This requirement does not apply to a dentist who also practices in certain primary and specialty care clinics. This bill would further exempt from this requirement a dentist who also practices in clinics operated by the federal government, a federally recognized Indian tribe, or a community clinic open for limited services no more than 20 hours per week. The bill would make corresponding changes. (Includes additional licensing provisions.)
Status: CHAPTERED (9/10/04)
- SB 1168 *Healthy Californians Biomonitoring Program*
Ortiz Existing law establishes various programs for the protection of the public from exposure to toxins, including, but not limited to, the Childhood Lead Poisoning Prevention Act, administered by the State Department of Health Services, which imposes a fee upon manufacturers or persons who are responsible for lead contamination and applies the proceeds of the fee to reduction or elimination of the harm caused by the lead contamination. This bill would, commencing January 1, 2006, similarly require the Division of Environmental and Occupational Disease Control within the department to establish the Healthy Californians Biomonitoring Program utilize biospecimens to identify toxic chemicals that are present in the bodies of Californians and would require the division to initiate plans to minimize exposure to those contaminants. This bill would require the director and the secretary to identify and list toxic chemicals that are subject to the bill, would require a phased implementation of the listed chemicals, and would authorize the Office of Environmental Health Hazard Assessment within the California Environmental Protection Agency to adopt regulations. This bill would require the department and the agency to establish an advisory panel to assist the department and the agency, and would provide for a phased implementation of the biomonitoring program with full implementation commencing after completion of initial pilot programs which would be required to be completed by January 1, 2009.
Status: In Asm. Health Com. Failed passage in committee. (last activity 6/22/04)

- SB 1171
Ortiz *Food establishments: nutritional information*
California Uniform Retail Food Facilities Law (CURFFL) provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services. Under existing law local health agencies are primarily responsible for enforcing CURFFL. A violation of any of these provisions is punishable as a misdemeanor. This bill would require each food establishment, as defined, in the state that is part of a large chain, as defined, to include calorie information on menu boards and to include in printed menus the total number of calories, grams of saturated plus transfat, and milligrams of sodium per serving. The bill would provide that a food establishment would be in violation of the act and guilty of an infraction only if it knowingly or negligently fails to comply with these requirements. The bill would provide for commencement of enforcement of its provisions beginning on January 1, 2006.
Status: In Senate Com. on H. & H.S. Hearing postponed by committee (last activity 3/4/04)
- SB 1173
Ortiz *Tobacco products: self-service display*
The existing Stop Tobacco Access to Kids Enforcement (STAKE) Act is designed to reduce the availability of tobacco products to minors through sales restrictions and enforcement activities. The act prohibits the furnishing of tobacco products to, and the purchase of tobacco products by, any person under the age of 18 years and authorizes the assessment of civil penalties for a violation of the act. Specifically, the STAKE Act prohibits a person engaged in the retail sale of tobacco products to sell, offer for sale, or display for sale, cigarettes by self-service display, as defined. This bill would broaden that prohibition by prohibiting a person engaged in the retail sale of tobacco products from selling, offering for sale, or displaying for sale, any tobacco product or tobacco paraphernalia by self-service display. However, the bill would provide an exemption to that prohibition for the display in a tobacco store of cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco, provided that, in the case of the cigars, they are generally not sold or offered for sale in a sealed package of the manufacturer or importer containing less than 6 cigars. In the event of an enforcement action brought under the act, the bill would require the retail business that displays any of those items in a self-service display to have the burden of proving that it qualified for the exemption.
Status: CHAPTERED (9/27/04)
- SB 1386
Vasconcellos *Pupils: drug and alcohol testing*
Existing law authorizes a superintendent or principal of a school to suspend or expel a pupil who commits one or more of enumerated acts including, among others, certain specified acts regarding the use, possession, or offering of intoxicants. This bill would provide for the drug or alcohol testing of a pupil only upon a reasonable suspicion, as defined, that the pupil is unlawfully using or has unlawfully used a controlled substance, as specified, or alcohol. The bill would require a school district, if it adopts a drug and alcohol testing policy, to provide adequate notice of the policy to the parent or guardian. The bill would also restrict access to test results to specified individuals. The bill would provide that a school district should seek to ensure that a pupil who tests positive for the unlawful use of drugs or alcohol is referred to a school counselor, a substance abuse professional, or other appropriate school staff, to develop a course of treatment to address the unlawful use of drugs or alcohol. The bill would also authorize a school district to conduct a random testing program if specified conditions are met, and would require a school within a district that conducts that testing program to conduct certain surveys and to report to the governing board of the school district.
Status: VETOED (9/18/04)
- SB 1446
Escutia *Environmental health data tracking*
Existing law establishes the Environmental Health Surveillance System through an interagency agreement between the State Department of Health Services, the California Environmental Protection Agency, and the University of California if authorized by the regents, for the purpose of, among other things, tracking and evaluating a variety of chronic diseases in relation to environmental exposures. This bill would require, pursuant to that interagency agreement, the establishment of the Interagency Office of Environmental Health Tracking within the department's Division of Environmental and Occupational Disease Control for the purpose of implementing the California Health Tracking Program. The bill would require the department and the Cal/EPA to each provide one 50% time research scientist as staff for the new office. The bill would prescribe the office's

objectives over a 3-year period and would require the office to complete certain duties for the 2004-05 fiscal year .

Status: In Asm. Appropriations Com. Held in committee and under submission. (last activity 8/12/04)

SB 1494 *Medical Marijuana*

Vasconcellos The Compassionate Use Act of 1996 provides that a patient or a patient's primary caregiver who possesses or cultivates marijuana for personal medical purposes of the patient upon the written or oral recommendation or approval of a physician is not subject to conviction for offenses relating to possession and cultivation of marijuana. Existing law requires the State Department of Health Services to establish and maintain a voluntary program for the issuance of identification cards to patients qualified to use marijuana for their personal medical purposes, and to their primary caregivers, if any. Existing law establishes limits on the amount of marijuana that a qualified patient or primary caregiver may possess, unless a doctor recommends that those amounts do not meet the patient's needs. Existing law provides that counties and cities may retain or enact medical marijuana guidelines allowing persons with an identification card to exceed these limits. This bill would recast these provisions relating to the amount of marijuana that may be possessed for personal medical purposes. The bill, instead, would provide that a qualified patient, person with an identification card, or any designated primary caregiver may possess any amount of marijuana consistent with the medical needs of that qualified patient or person with an identification card. The bill would provide that a person with an identification card or a designated primary caregiver with an identification card is not subject to arrest for possessing or maintaining certain amounts of marijuana. The bill would provide that this provision is not intended to affect any city or county guidelines to the extent that the amounts contained in those guidelines exceed the quantities set forth in the bill.

Status: VETOED (7/20/04)

SB 1546 *Dentistry*

Figueroa Existing law requires the board to license persons meeting specified requirements as various types of dental auxiliaries, and requires the board to enact certain regulations with respect to those licensees. Existing law also describes the functions that those licensees are permitted to perform and imposes specified requirements on them. Existing law prohibits a dentist from utilizing more than 2 dental auxiliaries in extended functions. Under existing law, fees collected in connection with the practice of a dental auxiliary are deposited into the State Dental Auxiliary Fund, which is continuously appropriated. This bill would, on January 1, 2007, revise the requirements imposed on, and the functions that may be performed by, a dental assistant or a dental assistant in extended functions. The bill would also, on and after January 1, 2007, require the board to license a person who meets specified requirements as a registered dental assistant, registered orthodontic assistant, registered surgery assistant, registered restorative assistant, registered dental assistant in extended functions, or registered restorative assistant in extended functions. This bill would require the board, upon recommendation of the committee, to adopt implementing regulations regarding education and training requirements that those licensees and registered dental hygienists are required to meet and procedures they may perform. The bill would also require the board to report periodically to the Joint Committee on Boards, Commissions, and Consumer Protection regarding the regulations imposed on licensees. The bill, on and after January 1, 2007, would authorize a dentist to utilize up to 3 dental auxiliaries in extended functions. The bill would also make other related changes.

Status: CHAPTERED (9/21/04)

SB 1562 *School restrooms*

Murray Existing law, with certain exceptions, requires every public and private school to have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies. Existing law provides that a school district is ineligible for prescribed state school facilities deferred maintenance matching funding if, after a 30-day notice period and a reasonable opportunity to cure the violation, a public school it operates remains in violation of this bill. This bill would require schools to permit a city or county to inspect restrooms located at that school and would give city and

county authority to conduct these inspections.

Status: In Senate Com. on Ed . Hearing canceled at the request of author. (last activity 4/28/04)

SB 1566
Escutia

Schools: food and beverage nutrition standards

Existing law restricts the sale of certain beverages and food items at elementary, middle, or junior high schools, with certain exceptions. Existing law makes the restrictions on the sale of food items at elementary schools operative if funding is appropriated for specified nutrition purposes. This bill would place similar restrictions on the sale of certain food items at high schools. The bill would delete the funding contingency applicable to elementary schools. The bill would, in addition, revise and recast provisions relating to the sale of beverages and food items at elementary, middle, or junior high schools and make other conforming changes. Existing law requires the Superintendent of Public Instruction to reimburse school districts for certain costs associated with free and reduced price meals. Existing law requires the State Department of Education to establish a pilot program in which 10 high schools, middle schools or any combination thereof, adopt specified food sale requirements. This bill would specify that middle schools participating in that pilot program are eligible for the reimbursement.

Status: In Asm. Appropriations Com. Failed passage. (last activity 8/27/04)

SB 1570
Bowen

Controlled substances: removal actions

Existing law requires the Department of Toxic Substances Control to take removal actions with respect to a hazardous substance that is an illegal controlled substance, including waste material from the unlawful manufacture of a controlled substance. The department is required to take specified actions upon the request of the local environmental health officer. The department is authorized to expend funds appropriated from the Illegal Drug Lab Cleanup Account in the General Fund for this purpose and to adopt regulations to implement these provisions, in consultation with appropriate law enforcement and local environmental agencies. This bill would require the department, on or before January 1, 2006, to adopt regulations, in consultation with the Office of Environmental Health Hazard Assessment, to provide state and local agencies with standards and procedures for taking a remedial action at such a hazardous substance release site, including providing for a level of cleanup that would protect the health and safety of the future occupants of the site.

Status: In Sen. Appropriations. Held in committee and under submission. (last activity 5/20/04)

SB 1574
Battin

Public Schools: physical education instruction

Existing law provides that it is the intent of the Legislature that all children shall have access to a high-quality, comprehensive, and developmentally appropriate physical education program on a regular basis. It requires that not less than 10% of the school districts of the state, as selected by the Superintendent of Public Instruction as specified, report to the Superintendent of Public Instruction in the Coordinated Compliance Review as to the extent of its compliance with the minimum time requirements of physical education instruction during that school year. This bill would remove this reporting requirement and, instead, would require the State Dept. of Education to monitor school districts selected by the Superintendent of Public Instruction, and would make related findings and declarations.

Status: In Senate Com. on Ed. Hearing canceled at the request of author. (last activity 4/28/04)

SB 1580
Bowen

Food product advertising

Existing law makes it a crime to engage in various unlawful advertising practices conducted by specified means of dissemination or publication. This bill would make it unlawful for a manufacturer, wholesaler, distributor, or other person to place a claim upon a product declaring the content of the product to be "low saturated fat," "reduced saturated fat," or if the product contains trans fat and the claim does not also state that the product contains trans fat. The bill would make it false and misleading advertising for a manufacturer, wholesaler, distributor, or other person that packages products containing trans fatty acids to willfully or negligently fail to include in the claim that trans fatty acids are present in a product when making a claim regarding the product.

Status: Set for hearing 3/22 in Senate Com. on B. & P. (last activity 3/9/04)

SB 1584 Chesbro	<p><i>Alcoholic beverages: licenses</i></p> <p>Under the Alcoholic Beverage Control Act, a licensee is authorized to sell alcoholic beverages in accordance with a license issued by the Department of Alcoholic Beverage Control. The act defines a licensee as any person holding a license issued by the department. This bill would define a licensee as any person holding a license, permit, or any other authorization issued by the department.</p> <p>Status: Placed on inactive file on request of Assembly Member Calderon (last activity 4/27/04)</p>
SB 1598 Vasconcellos	<p><i>Marijuana</i></p> <p>Existing law provides that every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, except as authorized by law, is guilty of a misdemeanor punishable by a fine of not more than \$100. This bill would decrease the maximum fine for that offense to \$50.</p> <p>Status: Referred to Senate Com. on G.O. (last activity 3/4/04)</p>
SB 1647 Perata	<p><i>Alcoholic beverages</i></p> <p>(1) Existing law generally prohibits a manufacturer of alcoholic beverages and a winegrower from paying, crediting, or compensating a retailer for advertising or paying or giving anything of value for the privilege of placing a sign or advertisement with a retail licensee. It authorizes, as an exception, the holder of a beer manufacturer's or winegrower's license, or a distilled spirits manufacturer or a distilled spirits manufacturer's agent, to purchase advertising space and time from, or on behalf of, an on-sale retail licensee, under certain conditions, if the on-sale retail licensee is the owner, manager, agent, assignee, or major tenant of a specified facility. This bill would extend that exception to an on-sale licensee who is a distilled spirit rectifier, as provided, or the owner, manager, agent of the owner, assignee of the owner's advertising rights, or the major tenant of the owner of an outdoor stadium or a fully enclosed arena with a fixed seating capacity in excess of 10,000 seats located in Alameda County. This bill would make findings regarding the need for special legislation. (2) Existing law makes it a misdemeanor for licensees and other persons to violate existing provisions relating to the purchase of that advertising space or time. This bill would impose a state-mandated local program by expanding the licensees subject to these criminal provisions.</p> <p>Status: CHAPTERED (8/23/04)</p>
SB 1681 McPherson	<p><i>Alcohol and drug programs</i></p> <p>Existing law provides that the State Department of Alcohol and Drug Programs is the single agency authorized to receive any federal funds payable directly to the state by the federal Substance Abuse and Mental Health Services Administration to implement programs that provide services to alleviate the problems related to the inappropriate use of alcoholic beverages and other drugs. Existing law requires that whenever the Substance Abuse and Mental Health Services Administration conditions its allocation of funds to the department in a manner that would conflict with any provisions of law relating to the relationship of the department to other governmental agencies and the private sector, the department shall specifically describe the conflict in its application for federal funds. This bill would repeal that requirement. Existing law requires the department, among other duties, to review and approve or disapprove county alcohol program plans and county drug program plans submitted for state and federal funds allocated by the department and provide funds to counties for the planning and implementation of local programs to alleviate problems related to inappropriate alcohol and drug use. Existing law requires the department to estimate an allocation of state and federal funds available for each county to implement the approved program plans. This bill, instead, would require the department to estimate an allocation of state and federal funds available to execute negotiated net amount contracts, Drug Medi-Cal contracts, or county plans. Existing law requires the department, in making allocations, to base its allocations on the population of each county. This bill would require the department to base its allocations on either the population of each county or those factors necessary to comply with federal performance requirements. Existing law also requires that the 1984-85 fiscal year establish the base funding for the county alcohol and drug allocation for local programs and authorizes a county with a population of 200,000 or less to shift funds between alcohol and drug programs at its discretion. This bill would delete those provisions.</p> <p>Status: In Asm. Appropriations. Held in committee and under submission. (last activity 8/12/04)</p>

- SB 1798
Torlakson *Physical education*
(1) This bill would require the holder of a single subject teaching credential that authorizes the holder to teach physical education to complete at least 50% of those hours in activities related to physical education curriculum development, instruction, and pupil assessment or to complete at least 25% of those hours in these activities if the holder also teaches one or more other subjects. By requiring school districts to verify compliance with this new requirement, the bill would impose a state-mandated local program. The bill would state the intent of the Legislature that all classroom teachers become familiar with the epidemics of obesity, diabetes, and related health consequences and that they utilize continuing education, professional training, and federal, state, and local resources to learn the benefits of physical education. (2) Existing law requires a pupil in grades 7 to 12, inclusive, to attend physical education courses for no less than 400 minutes each 10 schooldays, but permits a pupil in grade 10, 11, or 12 to be excused from a portion of that requirement in order to participate in automobile driver training. This bill would delete the provision that permits a pupil to be excused from physical education courses in order to participate in automobile driver training. (3) Existing law authorizes supplemental grant funds to be allocated to school districts that receive less than average funding from existing state programs. Existing law requires these grant funds to be expended only for the purpose of funding certain specified programs. This bill would authorize a school district to use supplemental grant funds to purchase equipment and materials necessary to implement quality physical education and physical fitness programs that are part of the course of study during the regular schoolday.
Status: In Asm. Appropriations Com. Held in committee and under submission. (last activity 8/12/04)
- SB 1821
Dunn *Tobacco products: minimum legal age: advertising, display, and distribution limitations*
(1) Existing law prohibits a person from making various promotional or advertising offers of smokeless tobacco products without taking actions to ensure that the product is not available to persons under 18 years of age. This bill would extend the applicability of those provisions to persons under 21 years of age, except those born before January 1, 1987. (2) The Stop Tobacco Access to Kids Enforcement (STAKE) Act is designed to reduce the availability of tobacco products to minors through sales restrictions and enforcement activities. The act, among other things, prohibits the furnishing of tobacco products to, and the purchase of tobacco products by, a person under the age of 18 years, authorizes the assessment of civil penalties of a violation of the act, and makes the violation of certain provisions of the act a criminal offense. Existing law also makes it a crime to engage in activities for which civil penalties may be imposed under the act. This bill would extend the applicability of the act and the criminal law described above to persons under the age of 21 years, except for those who were born before January 1, 1987. (3) The act requires the State Department of Health Services to conduct random, onsite sting inspections at retail sites, and requires the department to enlist the assistance of persons who are 15 and 16 years of age for this purpose. This bill would, instead, authorize the department, until January 1, 2007, to enlist the assistance of persons who are 15 and 16 years of age, and, on and after January 1, 2007, to enlist the assistance of persons under 21 years of age, for these inspections.
Status: In Sen. Appropriations. Held in committee and under submission. (last activity 5/20/04)
- SB 1838
Chesbro *Alcohol and drug prevention and treatment programs*
(1) Existing law provides for drug and alcohol prevention and treatment programs, administered by the State Department of Alcohol and Drug Programs. These provisions are organized into separate categories for programs related to the inappropriate use of alcoholic beverages and those related to the use and abuse of drugs. These provisions authorize the department to provide funds, to counties that elect to participate, for the planning and implementation of local programs to alleviate problems related to inappropriate alcohol and drug use, and require the department to review and approve or disapprove county alcohol program plans and county drug program plans submitted for state and federal funds allocated by the department. This bill would reorganize and recast these provisions to combine the 2 program categories related to alcoholic beverages and drugs. The bill would revise definitions and terminology applicable to these provisions to reflect this change. The bill would make conforming changes to resolve conflicting provisions among the program categories combined under the bill related to, among things, departmental audits of expenditures of funds allocated to

counties. (2) Existing law requires the department to develop and administer waiver application criteria for capital construction of alcohol recovery facilities and drug treatment facilities. This bill would eliminate this requirement. (3) Existing law requires the California Health and Human Services Agency to create an interagency task force to develop a coordinated state strategy for addressing the treatment needs of pregnant women, postpartum women, and their children for alcohol or drug abuse. This bill would repeal this provision. (4) Under existing law, any board of supervisors that elects to apply for funding under these provisions is required to submit to the department an annual county alcohol program plan, county drug program plan, or both, for the current state fiscal year, within 90 days after notification of the final allocation of each year. This bill would require a county that elects to participate to submit the plans within 60 days after the notification. (5) Existing law requires a county that elects to apply for funds under these provisions to establish a perinatal coordinating council. This bill, instead, would authorize the county to establish a perinatal coordinating council. (6) Existing law requires the department to negotiate net amount contracts with each county that requests to participate, in lieu of county plans, budgets, and reports, required for funding under these provisions. This bill would revise the procedures applicable to a negotiated net amount contract. (7) Existing law requires the department to implement a program certification procedure for direct services funded under these provisions as they relate to alcohol use. This bill would, instead, require the department to implement a program certification procedure for alcohol and other drug treatment and recovery services funded under these provisions. (8) Existing law requires all drug abuse programs, including narcotic treatment programs, within a county to register with the county. This bill would require all narcotic and drug abuse programs and alcohol and other drug abuse programs within a county to register with the county.

Status: CHAPTERED (9/29/04)

SB 1846
Knight

Alcoholic beverages: sales to minors

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law prohibits the sale of any alcoholic beverage to any person under the age of 21 years by any person, as defined. This bill would require the department to revoke the liquor license of any retailer convicted of a second offense for the sale of alcoholic beverages to a minor.

Status: In Sen. G.O. Com. Hearing canceled at the request of author. (last activity 4/15/04)

SB 1865
Aanestad

Dentists: licensing examinations

The Dental Practice Act provides for the licensing and regulation of dentists and associated professions by the Dental Board of California. Existing law requires an applicant for a license to practice dentistry to pass a written examination on subjects prescribed by the board, and to also pass a clinical examination. This bill would require an applicant for a license to practice dentistry to complete various examinations, including the National Board Dental Examination, an examination in California law and ethics developed by the board, and a clinical and written examination administered either by the board or the Western Regional Examining Board. The bill would require the Department of Consumer Affairs to review the examination offered by the Western Regional Examining Board, and would appropriate \$150,000 from the State Dentistry Fund to the department for this purpose pursuant to a specified schedule. The bill would require a report by the Dental Board of California on examination passage rates. Existing law requires an applicant for an examination to furnish documentary evidence to the board that he or she has graduated from a reputable dental college. This bill would authorize the board to approve an application for examination or accept the results of an examination from an applicant who has not yet graduated from a reputable dental college, if certain conditions are met.

Status: CHAPTERED (9/21/04)

Division of Communicable Disease Control & Prevention

- AB 691
Daucher *Nursing facilities: vaccines*
This bill would require a skilled nursing facility, an intermediate care facility, or a nursing facility, as defined, to offer immunizations for influenza and pneumococcal disease to its residents, aged 65 years or older, between October 1 and April 1 of each year, and to offer pneumococcal vaccine to all new admittees. The bill would require that the facility be reimbursed the standard Medi-Cal rate for vaccines provided to Medi-Cal recipients, except under specified circumstances. The bill would require the facility to obtain informed consent for the immunization services from the resident or, if the person lacks the capacity to make medical decisions, for the person legally authorized to make medical decisions on the resident's behalf. This bill would specify circumstances under which the immunizations may not be administered to a resident, and circumstances under which the facility shall not be required to provide the immunization services required by the bill. The bill would provide that if a health care facility fails to offer an immunization pursuant to the bill due to lack of availability of vaccine, or due to the physician's or resident's refusal or lack of cooperation, the failure shall not be the basis for issuing a deficiency or citation against the facility's license. The bill would authorize the department to issue a deficiency or citation for failure to comply with provisions of the bill relation to resident evaluation and consent procedures.
Status: CHAPTERED (4/30/04)
- AB 1091
Negrete
McLeod *Reportable diseases*
Existing law requires the State Department of Health Services to establish a list of reportable diseases, which may include both communicable and noncommunicable diseases. Existing law authorizes the department to change the list at any time. This bill would require the list to include reportable conditions and the urgency of reporting each disease and condition. The bill would require the department to consult with the California Conference of Local Health Officers before making a change to the list. The bill would exempt modifications to the list from certain existing law provisions relating to the adoption of administrative rules and regulations.
Status: CHAPTERED (8/23/04)
- AB 1822
Chan *Schools: pupil immunizations*
Existing law prohibits governing boards of public and private schools and child care facilities, including, but not limited to, elementary and secondary schools, from unconditionally admitting pupils who have not been fully immunized against listed diseases. For mumps, the prohibition applies only to pupils who have not reached the age of 7 years. For hepatitis B, existing law applies for all children entering the institution at the kindergarten level or below on or after August 1, 1997, and prohibits the governing authority from unconditionally admitting or advancing any pupil to the 7th grade level unless the pupil has been fully immunized. This bill would, for mumps, also apply the prohibition against unconditional admission of pupils who have reached the age of 7 years. This bill would, for hepatitis B, prohibit the governing authority from unconditionally admitting a pupil at any grade level, unless the pupil has been fully immunized.
Status: VETOED (8/27/04)
- AB 1925
Haynes *Comprehensive sexual health and HIV/AIDS prevention instruction*
The existing California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive, and ensures that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined. Existing law requires a school district to notify the parent or guardian of a pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention and empowers a parent or guardian to excuse his or her pupil from all or part of that instruction. This bill would require, if the instruction in comprehensive sexual health education and HIV/AIDS prevention will be taught by outside consultants, or if that instruction is to be given in an assembly, a school district to notify the parent or guardian of a pupil about that instruction, as specified, no fewer than 10, and no more than 15 days in advance of the instruction.
Status: CHAPTERED (8/30/04)

- AB 2180
Dutton *Comprehensive sexual health education*
(1) Existing law encourages a schoolsite council to consider including certain components in its school safety plan when it next reviews and updates its school safety plan. One of these components is the inclusion of a policy ensuring that all staff and pupils know how to report incidents of violence, discrimination, harassment, and abuse. Existing law encourages a schoolsite council to consider incorporating strategies to achieve certain specified goals, including the provision of professional education staff who are sensitive to the needs of pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds, and pupils with disabilities. This bill would, in addition, encourage a schoolsite council to consider incorporating strategies to achieve the provision of professional education staff who are sensitive to the needs of pupils of all religions. (2) Existing law declares that no provision of the Education Code may be construed to prevent or exclude from the public schools references to, or the use of, things having a religious significance if those references or uses do not constitute instruction in religious principles, and if those references or uses are incidental to or illustrative of matters properly included in the course of study. This bill would, in addition, prohibit those references or uses from denigrating any religious doctrine. (3) The California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, among other things, authorizes school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive. The existing act requires that instruction and materials not teach or promote religious doctrine. This bill would, in addition, prohibit that instruction and materials from denigrating religious doctrine.
Status: In Asm. Ed. Com. Failed passage. (last activity 5/05/04)
- AB 2871
Berg *Clean needle and syringe exchange: AIDS and hepatitis*
Existing law authorizes pharmacists and physicians to furnish hypodermic needles and syringes without a prescription or permit for human use in the administration of insulin or adrenaline. Existing law prohibits any public entity, its agents, or employees from being subject to criminal prosecution for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis. This bill would instead authorize cities, counties, or cities and counties to have a clean needle and syringe exchange project that, in consultation with the State Department of Health Service, authorizes the exchange of clean hypodermic needles and syringes,, as recommended by the United States Secretary of Health and Human Services and as part of a network of comprehensive services.
Status: VETOED (9/20/04)
- AB 2897
Bogh *Prisoners: medical testing*
Existing law makes legislative findings and declarations concerning the spread of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) within state and local correctional institutions. Existing law provides that a law enforcement employee who believes that he or she came into contact with bodily fluids of either an inmate of a correctional institution, a person who has been arrested or taken into custody, or a person on probation or parole, or an inmate of a correctional institution who believes that he or she has come into contact with the bodily fluids of another inmate may request an HIV test of that person. Existing law requires that the chief medical officer of a correctional facility decide whether to order a test of an inmate who is the subject of a report by a law enforcement officer within 5 days. Existing law provides that these provisions shall be repealed January 1, 2005, as specified. This bill would delete the repeal of these provisions. This bill would amend legislative findings and declarations with respect to the exposure of law enforcement personnel to HIV. This bill would provide that an incident report filed by a law enforcement employee containing a request for HIV testing of an inmate shall not be delayed, as specified. This bill would require that the chief medical officer decide whether to order a test of an inmate who is the subject of a report within 24 hours of receiving the report. This bill would provide that a test shall be ordered if the chief medical officer finds that there is a significant risk that HIV was transmitted and shall consider any adverse health effect on institution staff or inmates required to undergo prophylactic treatment for HIV. This bill would provide that an appeal of the decision of a chief medical officer whether to order the subject of a report to undergo HIV testing shall be heard within 7 calendar days. This bill would also provide that when an appeal is filed by a law

enforcement employee the decision shall be rendered within 2 days of the hearing.

Status: CHAPTERED (9/30/04)

SB 1159 *Hypodermic needles and syringes*

Vasconcellos (1) Existing law regulates the sale, possession, and disposal of hypodermic needles and syringes. Under existing law, a prescription is required to purchase a hypodermic needle or syringe for human use, except to administer adrenaline or insulin. This bill, subject to authorization by a county or city, would authorize a licensed pharmacist, until December 31, 2010, to sell or furnish 10 or fewer hypodermic needles or syringes to a person for human use without a prescription if the pharmacy is registered with a local health department in the Disease Prevention Demonstration Project, which would be created by the bill to evaluate the long-term desirability of allowing licensed pharmacies to sell or furnish nonprescription hypodermic needles or syringes to prevent the spread of blood-borne pathogens, including HIV and hepatitis C. The bill would require a pharmacy that participates in the Disease and Demonstration Project pursuant to county or city authorization to comply with specified requirements, including registering with the local health department. The bill would require the State Department of Health Services, in conjunction with an advisory panel, to evaluate the effects of allowing the sale of hypodermic needles or syringes without prescription, and would require a report to be submitted to the Governor and the Legislature by January 15, 2010. The bill would encourage the State Department of Health Services to seek funding from private and federal sources to pay for the evaluation. The bill would impose various other duties on local health departments, thereby imposing a state-mandated local program. The demonstration program would terminate on December 31, 2010. Alternatively, the bill would also authorize the sale or furnishing of hypodermic needles or syringes to a person for human use without a prescription if the person is known to the furnisher and has previously provided the furnisher with a prescription or other proof of a legitimate medical need. The bill would make it unlawful to discard or dispose of a hypodermic needle or syringe upon the grounds of a playground, beach, park, or any public or private elementary, vocational, junior high, or high school. The bill would make a knowing violation of this prohibition a crime, thereby imposing a state-mandated local program. (2) Existing law requires a pharmacist to keep detailed records of nonprescription sales of hypodermic needles and syringes. This bill would delete that requirement. (3) Existing law prohibits the possession and sale of drug paraphernalia. This bill, until December 31, 2010, subject to authorization by a county or city, would allow a person to possess 10 or fewer hypodermic needles or syringes if acquired through an authorized source.

Status: CHAPTERED (9/20/04)

SB 1356 *Disease prevention: vaccines*

Vasconcellos Under existing law, the State Department of Health Services administers programs related to communicable disease prevention and control, including vaccine development. This bill would authorize the department to test adult vaccines that are available for use in markets outside of the United States for safety and efficacy pursuant to and in accordance with federal law.

Status: In Senate Com. on H. & H.S. Hearing canceled at the request of author. (last activity 4/16/04)

SB 1362 *Solid waste: household hypodermic needles, syringes, and lancets: disposal*

Figueroa The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The act requires each county and city and county to prepare and submit to the board a countywide integrated waste management plan that includes, among other things, all city source reduction and recycling elements submitted to the county and the county's source reduction and recycling element. The act also requires cities and counties to prepare a household hazardous waste element for adoption in the countywide plan. This bill would authorize the hazardous waste element to include a program for the safe collection, treatment, and disposal of sharps waste, as defined, generated by households. The bill would authorize a permitted household hazardous waste collection facility, as specified, to operate as a home-generate sharps consolidation point under certain conditions.

Status: CHAPTERED (7/16/04)

SB 1708 Margett	<p><i>Prisoners: medical testing</i></p> <p>Existing law establishes a comprehensive program of HIV testing for persons incarcerated in jails and prisons, as specified. Existing law provides that violations of certain of these provisions are crimes. Existing law imposes various duties on local law enforcement in connection with implementing the provisions of the program. Existing also provides that the provisions constituting the program will remain in effect only until January 1, 2005. This bill would delete the provisions of law that provide that the program would remain in effect only until January 1, 2005, and thereby authorize the program to operate indefinitely.</p> <p>Status: Assembly third reading. (last activity 8/18/04)</p>
SB 1764 Speier	<p><i>Immunization information systems</i></p> <p>Existing law governing communicable disease prevention and immunization authorizes local health officers to operate immunization information systems. Existing law authorizes health care providers, as defined, other agencies, and the State Department of Health Services to disclose or share immunization-related information concerning individual patients, unless the patient refuses to consent to the sharing of this information. This bill would expand the entities authorized to disclose this immunization information to include foster care agencies, as defined and government-funded programs that have as their purpose paying the costs of health care. The bill would revise the procedures for allowing a patient, or parent or guardian of a patient, to refuse permission to share the information. The bill would authorize any party authorized to make medical decisions for a patient or client to permit record sharing with an immunization information system. This bill would require the department to assist its Immunization Branch with respect to issues relating to publicly funded immunizations.</p> <p>Status: CHAPTERED (8/23/04)</p>
SB 1780 Hollingsworth	<p><i>Sex offenders</i></p> <p>Existing law provides that defendants charged in any criminal complaint alleging a violation of certain sex offenses are subject to an order requiring testing for specific infections diseases. Existing law requires 2 blood specimens for purposes of this testing. This bill would expand those provisions by including attempts to commit the specified sex offenses. The bill would authorize oral mucosal transudate or other bodily fluid capable of being tested for HIV for use in testing in addition to blood specimens. Existing law provides a methodology for appropriate collection of blood specimens for testing for defendants charged with certain sex offenses. This bill would expand the scope of those procedures to require appropriate collection methods for oral mucosal transudate or other bodily fluid capable of being tested for HIV, as specified. (This bill includes other provisions regarding sentencing enhancements, the definition of "sex offenders" and the registration of sex offenders)</p> <p>Status: In Se. Public Safety Com. Failed passage. (last activity 3/23/04)</p>
SB 1847 Perata	<p><i>Omnibus Tuberculosis Control and Prevention Act</i></p> <p>Existing law establishes the Omnibus Tuberculosis Control and Prevention Act of 2002 which, among other things, until January 1, 2006, permits any local health department to provide for certification, by the local health officer, of tuberculin skin test technicians. This bill would extend the repeal date of these provisions, until January 1, 2011. This bill would require each city or county that elects, on or after January 1, 2005, to certify tuberculin skin test technicians to submit a survey and an evaluation of its findings, including a review of the aggregate report, to the California Tuberculosis Controllers Association annually, to and including January 1, 2011. This bill would, until January 1, 2011, require a participating local health officer who determines that an adverse event resulted from improper tuberculin test technician training or performance to report that information to the Tuberculosis Control Branch within the State Department of Health Services.</p> <p>Status: CHAPTERED (8/23/04)</p>

Emergency Medical Services

- AB 911
Longville *Local emergency telephone number system: 911*
This bill would make the use of or knowingly allowing the use of the 911 telephone system for purposes other than for an emergency, as defined, an infraction, punishable by specified fines, with specified exceptions. The bill would also state findings and declarations by the Legislature.
Status: CHAPTERED (8/25/04)
- AB 1898
Nakano *The Commission on Emergency Medical Services*
The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority to administer the act, and establishes the Commission on Emergency Medical Services to review and approve regulations standards and guidelines of the authority. This bill would add an additional member to the commission, and would make other changes to provisions relating to the appointment of the membership of the commission.
Status: VETOED (9/16/04)
- AB 2293
Wolk *Emergency medical services*
The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, permits each county to establish an emergency medical services program under which the county is required to designate a local emergency medical services agency (EMS agency). The act authorizes each county to establish an emergency medical care committee and to prescribe its membership. This bill would require establishment of the committee in each county, would prescribe its membership, would include review of complaints relating to the local EMS plan within the jurisdiction of the committee, and would require the Commission on Emergency Medical Services to review appeals.
Status: In Assembly Com. on Health. Hearing postponed by committee. (last activity 4/20/04)
- AB 2406
Bermudez *Fire safety*
1) Existing law requires chief fire officials, as specified, to furnish information and data to the State Fire Marshal relating to each fire that occurs within his or her area of jurisdiction. The State Fire Marshal is required to adopt regulations prescribing the scope of the information to be reported, the manner of reporting the information, and other requirements and regulations as the State Fire Marshal determines necessary. This bill would require the State Fire Marshal, in consultation with the State Board of Fire Services and specified experts, to adopt revised regulations to require the statistical information furnished on and after July 1, 2006, to include response time and staffing level information that is compatible with the National Fire Incident Reporting System established by the Federal Emergency Management Agency and to include other specified information. By increasing the duties of local officials, this bill would impose a state-mandated local program. (2) Existing law requires the State Fire Marshal to annually analyze the information and data reported, and compile and report and disseminate a copy of the report to each chief fire official in the state. This bill would, on and after July 1, 2006, authorize the State Fire Marshal to instead make the report available on the State Fire Marshal Web site and would prescribe information to be included in the report.
Status: VETOED (9/23/04)
- AB 2670
Benoit *Automatic external defibrillator requirements: public safety personnel*
Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, permits each county to establish an emergency medical services program under which the county is required to designate a local emergency medical services agency (EMS agency). The act authorizes the local EMS agency to implement a trauma care system if the system meets the minimum standards set forth in the regulations for implementation established by the Emergency Medical Services Authority and the authority has approved a plan. Existing law requires the maintenance, testing, readiness, and use of automatic external defibrillators, and related personnel training requirements. This bill would exempt public safety personnel from certain of these requirements, and would provide that public safety personnel test, maintain, and check the defibrillators for readiness pursuant to the manufacturer's recommendations.
Status: In Asm. Judiciary Com. Hearing canceled at the request of author. (last activity 4/20/04)

- SB 635
Dunn *Emergency medical services*
Existing law authorizes each county to establish an emergency medical services fund, and makes money in the fund available for the reimbursement of physicians and surgeons and hospitals for losses incurred in the provision of emergency medical services when payment is not otherwise made for those services. Existing law provides that payments for emergency medical services from the county emergency medical services fund shall be made only for emergency medical services provided on the calendar day on which emergency medical services are first provided and on the immediately following 2 calendar days and specifies that payments may not be made for services provided beyond a 48-hour period of continuous service to the patient. Existing law also provides that if it is necessary to transfer the patient to a 2nd facility providing a higher level of care for the treatment of the emergency condition, reimbursement shall be available for services provided at the facility to which the patient was transferred on the calendar day of transfer and on the immediately following 2 calendar days, and specifies that payments may not be made for services provided beyond a 48-hour period of continuous service to the patient. This bill would, until January 1, 2007, eliminate the limitation against making those payments for services provided beyond a 48-hour period of continuous services to the patient.
Status: CHAPTERED (9/15/04)
- SB 678
Ortiz *Bioterrorism preparedness: federal funding*
This bill would revise the provisions relating to the allocation and expenditure of federal bioterrorism preparedness funds, and would delete the similar provisions of existing law. The bill would appropriate \$18,145,889 from the Federal Trust Fund to the department, \$6,462,287 of which would be used for hospital bioterrorism preparedness in accordance with federal guidelines, and \$11,683,602 of which would be used for implementing the above provisions of existing law, including making appropriated funds available for smallpox preparedness costs, in accordance with the federally approved state-local plan for allocation and expenditure of these funds. The bill would deem moneys made available in the 2003-04 Budget Act for bioterrorism preparedness available for expenditure and encumbrance until August 30, 2005. This bill would authorize the department to use federal funds received from the Centers for Disease Control and Prevention and appropriated to the department to enter into contracts for the purpose of meeting the federally approved bioterrorism plan. The bill would exempt these contracts, as well as agreements for purposes of hospital bioterrorism preparedness, from provisions of existing law relating to contracting by state agencies.
Status: CHAPTERED (4/30/04)
- SB 828
Figueroa *Health facilities: boutique hospitals*
Existing law requires any health facility that maintains and operates an emergency department to provide emergency services to the public, to provide emergency services and care to any person requesting the services, and to any person for whom services and care is requested. This bill would prohibit the State Department of Health Services from issuing a license to operate a "boutique hospital," as defined, unless that boutique hospital agrees to continuously maintain and operate an emergency department, that provides either basic or comprehensive services.
Status: In Assembly Com. on Health. Hearing cancelled at the request of author. (last activity 6/22/04)
- SB1433
Romero *Trauma care funding*
Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, permits each county to establish an emergency medical services program under which the county is required to designate a local emergency medical services agency (EMS agency). The act authorizes the local EMS agency to implement a trauma care system if the system meets the minimum standards set forth in the regulations for implementation established by the Emergency Medical Services Authority and the authority has approved a plan. Existing law establishes the Trauma Care Fund and continuously appropriates money in the fund for the purpose of funding trauma care. This bill would establish the Trauma Care Fund Advisory Board, and would set forth its membership and duties, including, but not limited to, review of allocations and expenditures from the fund, and making recommendations regarding trauma center funding to the authority, the Governor, and the Legislature. This bill would permit the board to solicit private donations, which would be

required to be deposited in the continuously appropriated fund, thereby making an appropriation.

Status: In Sen. Insurance Com. Hearing postponed by committee. (last activity 4/26/04)

SB 1679

Health care service plans

Perata

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law requires the department to adopt regulations on an emergency basis when an enrollee requires medical care and when an enrollee in the opinion of the treating provider requires necessary medical care, following stabilization of an emergency medical condition, including appropriate timeframes for a health care service plan to respond to requests for treatment authorization. This bill would delete the emergency basis provision for adopting regulations. The bill would specify that the appropriate time frames for a health care service plan to respond to requests for treatment authorization not exceed 30 minutes.

Status: From printer. May be acted upon on or after 3/22. (last activity 2/21/04)

SBX1 5

Emergency medical services: alcohol: fee

Romero

This bill would enact the Alcohol-Related Emergency Services Reimbursement Act of 2003, which would require the State Board of Equalization to collect a \$0.05 per drink fee, based upon a specified formula, from any wholesaler located within the state who distributes alcoholic beverages to retailers for consumption in the state. The bill would establish the Alcohol-Related Emergency Services Reimbursement Trust Fund, to be administered by the State Department of Health Services, into which moneys collected by the board from the imposition of the fees, would be deposited and would continuously appropriate money from the fund to the department for allocation to local emergency medical services providers that meet the qualifications established by the department for reimbursement of expenses incurred in providing services for alcohol-related emergencies, and to the State Board of Equalization and the department for costs associated with implementing the above provisions. The bill would require, after 2 years of implementing the bill, the department to evaluate the economic impact of the bill on the alcohol industry and submit its evaluation to the Legislature.

Status: Read second time. Amended. Re-referred to Com. on Rls. (last activity 4/8/03)

Family Health Services

- AB 56
Steinberg *Child care, development, and education*
This bill would declare the intent of the Legislature that the state develop a strategy to ensure that children have access to quality preschool programs.
Status: To Conference Committee. Senate and Assembly Members appointed to Conference Committee. (last activity 7/13/04)
- AB 111
Corbett *Child abuse: mental suffering*
This bill would provide that willfully causing or permitting a child to suffer, or inflicting upon a child, unjustifiable mental suffering, constitutes a violation of the Penal Code section prohibiting such acts regardless of whether the act or acts causing the mental suffering also result in physical injury or harm to the child. The bill would also provide that evidence that a person has willfully caused, permitted, or inflicted mental suffering may include evidence of an injury to the intellectual or psychological capacity or the emotional condition of a child, as specified. The bill would also revise the definition of "abuse against a child" in making a determination of the best interest of the child, for purposes of determining child custody, to include willfully causing, permitting, or inflicting unjustifiable mental suffering upon a child. This bill would encourage local law enforcement agencies to develop projects of collaboration between law enforcement officers and mental health professionals in order to address the needs of children and families exposed to violence, as specified, to be funded using grant funding, as available, or available resources within the existing budget of the law enforcement agency.
Status: In Senate Com. on Pub. S.: Set, second hearing. Hearing canceled at the request of author. (last activity 6/23/03)
- AB 271
Nunez *Developmental services: human resources*
The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services to contract with regional centers for the provision of various services and supports to persons with developmental disabilities. This bill would revise the framework for the provision of human services to persons with developmental disabilities, including alternative employment options available to state employees in the developmental services field, as a result of the revised service provision framework. This bill would authorize the department to establish state-owned, state-operated, or state-staffed residential facilities or services, as specified, to meet the needs of persons with a developmental disability whose needs otherwise cannot be met. This bill would require the department to prepare an annual report to the Legislature, with specified components, to address issues relating to the implementation of the bill.
Status: In Sen. Com. on Appr.. Set, first hearing. Hearing canceled at the request of author. (last activity 7/9/03)
- AB 343
Chan *Healthy Families Program*
The Managed Risk Medical Insurance Board, in administering the Healthy Families Program, may pay designated individuals or organizations an application assistance fee in specified circumstances if the individual or organization assists an applicant to complete the program application. This bill would specify, except as provided, that no individual or organization may solicit or receive any compensation from an applicant or subscriber for offering or providing program application assistance.
Status: **CHAPTERED** (8/16/04)
- AB 649
Wiggins *Developmental services: funding: maintenance of effort*
Under existing law, the State Department of Developmental Services allocates funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families. This bill would make findings and declarations regarding funding for developmental services and the maintenance-of-effort level of funding to be provided by the state. The bill would require the department and the State Department of Health Services to take prescribed actions relating to the budgeting for community-based developmental

services.

Status: VETOED (9/16/04)

- AB 1393 *Child care: before and after school programs*
Bates Existing law establishes the Six-to-Six Before and After School Program for the purpose of creating locally administered and locally funded before and after school enrichment programs that partner schools and communities to provide academic and literacy support and safe, constructive alternatives for youth in kindergarten and grades 1 to 9, inclusive. Existing law repeals the program on January 1, 2005. This bill would extend the program for 4 years and repeal it on January 1, 2009.
Status: **CHAPTERED** (8/31/04)
- AB 1803 *Pregnant inmates: children*
Bermudez Existing law generally regulates the conditions of confinement for persons incarcerated in state prison and California Youth Authority facilities. This bill would declare the findings and intent of the Legislature, and provide a procedure for the placement of infants born to women incarcerated in state prison or California Youth Authority facilities, as specified, including the evaluation of certain potential caretakers by county social welfare departments.
Status: From committee chair with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on Human Services. (last activity 6/14/04)
- AB 1821 *Nursing Workforce Education Investment Act*
Cohn This bill would establish the Nursing Workforce Education Investment Act. The act would establish in OSHPD a state nursing contract program with accredited schools and programs that educate and train licensed vocational nurses and registered nurses to increase the supply of nurses in California. The act would require the Director of OSHPD, commencing July 1, 2006, to select and contract on behalf of the state with accredited nursing schools, programs that train nurses, hospitals, and other health care delivery systems for the purpose of educating nursing students. When determining which nursing programs to fund, the act would require OSHPD to give priority to programs that include training specifically designed for medically underserved multicultural communities, lower socioeconomic neighborhoods, or rural communities, and prepare program graduates for service in those neighborhoods and communities. The act would require the state nursing contract program to be funded under the federal Workforce Investment Act discretionary funding commencing in the 2006-07 fiscal year, and would require OSHPD to enter into an interagency agreement with the Employment Development Department to ensure compliance with the federal act's requirements. The act would require an independent evaluation of the state nursing contract program to be submitted to the Legislature and Governor by October 1, 2010. The act would not require OSHPD to implement its provisions until funding becomes available. The act would make these provisions inoperative on April 1, 2011, and would repeal them as of January 1, 2012.
Status: VETOED (9/30/04)
- AB 1858 *Special education: foster children*
This bill would require the State Department of Education to ensure that the California School Information Services' system meets the needs of pupils in foster care and includes disaggregated data on pupils in foster care. This bill would require a local educational agency that has placed an individual with exceptional needs residing in a licensed children's institution or foster family home in a nonpublic, nonsectarian school to conduct an annual evaluation, as part of the annual individualized education program process, of whether the placement is the least restrictive environment that is appropriate to meet the pupils' needs. The bill would require the nonpublic, nonsectarian school to report to the local educational agency that made the placement, on a quarterly or trimester basis, as appropriate, the educational progress demonstrated by the individual with exceptional needs towards the attainment of the goals and objectives specified in the individual's individualized education program. This bill would provide that any educational funds received from a local educational agency for the educational costs of individuals with exceptional needs it has placed in nonpublic, nonsectarian schools are to be used solely for those purposes and not for the costs of a residential program. This bill would require the State Department of Education to implement a program, as provided, to integrate individuals with exceptional needs placed in nonpublic, nonsectarian schools

into public schools. This bill would require the State Department of Education and the State Department of Social Services to collaborate with specified entities to increase access to federal funds for foster youth services. This bill makes various other changes.

Status: CHAPTERED (9/30/04)

AB 1892
Haynes

Healthy Families Program

Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health care services to eligible children meeting household income requirements. This bill would declare the intent of the Legislature to enact legislation relating to the Healthy Families Program.

Status: From printer. May be heard in committee 3/7. (last activity 2/6/04)

AB 1913
Cohn

Foster care providers: evaluation and criminal records checks

(1) Existing law sets forth circumstances under which a minor may be adjudged a dependent child of the juvenile court, and establishes procedures to determine the temporary placement of a dependent child. Existing law authorizes temporary placement of a minor child in the home of an able and willing relative, or an able and willing nonrelative extended family member, upon completion of an assessment of the suitability of the relative or nonrelative extended family member by the county welfare department. Under existing law, the standards used to evaluate and grant or deny approval of the home of a relative or nonrelative extended family member for the placement of a child are required to be the same standards as set forth in regulations for licensing foster family homes. Under existing law, these provisions become inoperative and are to be replaced with similar provisions on January 1, 2006. Existing law separately provides for Aid to Families with Dependent Children (AFDC) for children who have been removed from their homes in certain instances. This bill would delete the date upon which the above provisions become inoperative and would repeal the alternative provisions. The bill would require, immediately following the placement of a child in the home of a relative or a nonrelative extended family member that the county welfare department evaluate and approve or deny the home for purposes of AFDC-FC eligibility. By expanding the duties of county welfare departments in this regard, the bill would impose a state-mandated local program. (2) Existing law requires the county social worker to visit the home of a relative or prospective guardian who is not a licensed or certified foster parent, prior to placing the child in that home, to ascertain the appropriateness of the placement. Existing law also requires the court or county social worker to initiate a state and federal criminal records check through the California Law Enforcement Telecommunications System, and within 5 days after that to initiate a fingerprint clearance check of the person through the Department of Justice. Existing law requires the court and county social worker to consider the home of the person for placement of the child, if the fingerprint clearance check indicates that the person has no criminal record. Existing law provides until January 1, 2005, that the child shall not be placed in the home of the person if the fingerprint clearance check indicates that the person has been convicted of a crime that would preclude licensure as a community care facility, unless a criminal records exemption approved by the Director of Social Services has been granted by the county. This bill would revise these provisions, including extending their application to January 1, 2010, authorizing the placement of a child, based on the results of the criminal records check, instead of the fingerprint clearance check, and making other, technical changes.

Status: CHAPTERED (8/30/04)

AB 2026
Hancock

Youth pilot program: extension

Existing law authorizes designated participating counties to establish a child and family interagency coordinating council to implement various aspects of a youth pilot program. Under the pilot program, various children's services funds may be transferred to a designated county fund for services for children and families. Existing law requires the program to be implemented on January 1, 1995, July 1, 1995, or January 1, 1996, and terminates the program on July 1, 2004. This bill would, with certain exceptions, extend the operative duration of the youth pilot program to January 1, 2009.

Status: CHAPTERED (7/13/04)

- AB 2149
Longville *Group homes: foster care*
(1) Existing law requires a community care facility providing residential care for 6 or fewer persons, with certain exceptions, to provide a procedure approved by the licensing agency for immediate response to incidents and complaints. This bill would apply similar procedures for responding to incidents and complaints against a group home facility, as defined, that is not subject to the existing procedures relating to incidents and complaints. The bill would require facilities to establish these procedures on or before July 1, 2005. (2) This bill would authorize a county to develop a cooperative agreement with the State Department of Social Services to access disclosable public record information from an alternative automated license information system concerning substantiated complaints for children placed in group home facilities located within the county. This bill would authorize the department to transmit copies of all inspection reports to the county in which a group home facility is located if requested by the county. The bill would require a group home facility, not less than 30 days prior to the anniversary of the effective date of the license of the group home facility, at the request of the county in which the facility is located, to transmit copies of all incident reports of the facility that involved a response by local law enforcement or emergency services personnel. It would require the group home facility, prior to transmitting copies of the incident reports to the county, to redact the name of any child referenced in the reports, and other related identifying information. The bill would authorize a placement agency to review these incident reports to ensure that the group home facility has taken appropriate action to ensure the health and safety of its residents. The bill would authorize the department, when it periodically reviews the record of substantiated complaints against each group home facility, pursuant to its oversight authority, to determine whether the nature, number, and severity of incidents upon which complaints were based constitute a basis for concern as to whether the provider is capable of effectively and efficiently operating the program, and if the department determines that there is cause for concern, to contact the county in which a group home facility is located and placement agencies in other counties using the group home facility, and request their recommendations as to what action, if any, the department should take with regard to the provider's status as a licensed group home provider.
Status: CHAPTERED (9/28/04)
- AB 2307
Richman *Health care: provider enrollment and certification*
Under existing law, the State Department of Health Services licenses and regulates primary care clinics. Existing law provides for the Child Health and Disability Prevention Program, under the supervision of the department of, pursuant to which certain health and disability prevention treatment services are provided to eligible children. Existing law provides for the Medi-Cal program, administered by the department, under which qualified low-income persons are provided with health care services, including prescription benefits. Existing law creates the Perinatal Services Program, under the Medi-Cal program, to provide assistance to pregnant women and infants up to one year of age in families of qualifying incomes. Existing law requires the delivery of timely and continuing prenatal care during a period of presumptive eligibility pending a determination of eligibility under the application and eligibility determination and redetermination processes in the implementation of the Medi-Cal program. Existing law provides for the delivery of comprehensive clinical family planning services to any person who has a family income at or below 200% of the federal poverty level, and who is eligible to receive these services pursuant to a federal waiver under the Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program as a covered benefit under the Medi-Cal program. This bill would require the department to implement on or before July 1, 2005, a process that allows an applicant for licensure as a primary care clinic to submit an application for review of the clinic's qualifications for participation in any of the above-described programs simultaneously with any review for enrollment and certification as a provider in the Medi-Cal program, and if approved for participation in a program, to be enrolled or certified, or both, as a provider in the program subsequent to certification and enrollment as a provider in the Medi-Cal program.
Status: CHAPTERED (9/10/04)
- AB 2331
Mountjoy *Abortion: fetal pain*
Existing law, the Therapeutic Abortion Act, contains provisions regarding abortions, including a requirement that the procedure be performed by a physician and surgeon. This bill would, for an

abortion performed in the 3rd trimester of pregnancy, require the physician performing the abortion to offer to the pregnant woman information and counseling on fetal pain and offer to the pregnant woman anesthesia for the fetus. The bill would require the physician to arrange for anesthesia to be administered, if the pregnant woman voluntarily consents to administration of anesthesia for the fetus. The bill would require the pregnant woman to sign a document that information and counseling on fetal pain was provided and that the physician offered anesthesia for the fetus.

Status: Referred to Assembly Committees on Health and Judiciary. (last activity 3/18/04)

AB 2417
Jackson

Continuous child abuse

Existing law provides that it is a crime punishable by imprisonment in a county jail for a period not to exceed 6 months, or a fine not to exceed \$1,000, or by both that fine and imprisonment to willfully cause or permit any child to suffer, or inflict thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, to willfully cause or permit the person or health of that child to be injured, or to willfully cause or permit that child to be placed in a situation where his or her person or health is endangered. Existing law provides that if a person is convicted of these provisions and probation is granted, the court shall require certain minimum conditions of probation, as specified. Contingent on voter approval of a proposed initiative measure that would limit the application of the three-strikes law, this bill would provide that any person convicted of a violation of these child abuse provisions within 7 years of a previous conviction of these provisions or of provisions proscribing cruel or inhumane corporal punishment of a child resulting in a traumatic condition is punishable by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, 2, or 3 years. Also contingent on the approval of that initiative, this bill would define the crime of continuous physical abuse of a child as engaging in 3 or more acts of child abuse, as defined above, by any person who either resides in a home with a minor child or has reoccurring access to a child, over a period of time not less than 3 months in duration. This bill would provide that this crime shall be punished by imprisonment in a county jail for a period not to exceed one year, or in the state prison for 16 months, 2 or 3 years.

Status: Withdrawn from Assembly Com. on Pub. S. Re-referred to Com. on Rules. (last activity 6/28/04)

AB 2496
Shirley
Horton

Child Welfare Services Program Improvement Fund

Under existing law, the state, through the State Department of Social Services and county welfare departments, maintains a public system of statewide child welfare services, to use the strengths of families and communities to serve the needs of children who are alleged to be abused or neglected, to reduce the necessity for removing these children from their homes, to encourage speedy reunification of families when it can be safely accomplished, to locate permanent homes and families for children who cannot return to their biological families, to reduce the number of placements experienced by these children, to ensure that children leaving the foster care system have support within their communities, to improve the quality and homelike nature of out-of-home care, and to foster the educational progress of children in out-of-home care. This bill would establish the Child Welfare Services Program Improvement Fund in the State Treasury, consisting of private grants, gifts, or bequests made to the state. Upon appropriation by the Legislature, moneys in the fund would be expended for the purpose of enhancing the state's ability to provide a comprehensive system of supports that promote positive outcomes for children and families. The bill would require the department to use moneys in the fund as a match to obtain federal participation in the cost of eligible activities, and to augment federal, state, and county funds made available for the child welfare services program. The bill would include legislative intent regarding possible uses for the funds.

Status: **CHAPTERED** (7/16/04)

AB 2531
Bates

Child abuse reporting

Existing law establishes the Child Abuse and Neglect Reporting Act (CANRA), which requires specified persons to report to a specified agency whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. This bill would

add any person providing in-home supportive services to a child, as specified, to the list of individuals who are mandated reporters.

Status: CHAPTERED (9/24/04)

AB 2645
Mountjoy

Foster care: psychotropic medication

Existing law provides for the placement of certain children in foster care, and also provides for child welfare services, which are public social services directed toward, among other purposes, protecting and promoting the welfare of all children, including those in foster care placement. This bill would require the State Department of Social Services to conduct a study of the administration of psychotropic medications to children in foster care in certain counties as compared to a group of young people in the general population. This bill would also require the department to provide the results of the study to the appropriate policy and fiscal committees of the Legislature on or before July 1, 2006.

Status: In Asm. Appropriations Com. Held under submission. (last activity 5/19/04)

AB 2774
Richman

Development centers

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires the State Department of Developmental Services to comply with procedural requirements when closing a developmental center, including submitting a plan to the Legislature and holding at least one public hearing. Under existing law, the department allocates funds to private nonprofit entities known as regional centers, which are required to provide, or arrange for the provision of, services and supports for persons with developmental disabilities. This bill would require the State Department of Developmental Services to close 4 developmental centers by 2016, would authorize the department to sell or lease at fair market value the state-owned property of developmental centers that are closed and would require that the proceeds be placed in the State Developmental Services Community Living Fund, established by the bill, which would be required to be used by the department, upon appropriation by the Legislature, for displaced consumer needs. The bill would require the department to conduct a study regarding the need for the establishment of new facilities, including, but not limited to, secured treatment facilities, regional developmental centers, and other housing needs, and to report to the Legislature by January 1, 2006.

Status: In Asm. Appropriations. Held under submission. (last activity 5/19/04)

AB 2845
La Suer

Behavioral interventions

Existing law requires the Superintendent of Public Instruction to develop and the State Board of Education to adopt regulations governing the use of appropriate behavioral interventions with individuals with exceptional needs receiving special education and related services. This bill would provide that a person recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst qualifies as a behavioral intervention case manager of a school district, special education local plan area, or county office of education and may conduct behavior assessments and provide behavioral intervention services for individuals with exceptional needs.

Status: CHAPTERED (7/16/04)

AB 2873
Garcia

Child abuse prevention: citizen review panels

Existing law establishes the Office of Child Abuse Prevention in the State Department of Social Services, for the purpose of planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect. Existing federal law generally requires every state that receives a federal grant for child abuse and neglect prevention treatment programs to establish not less than 3 child abuse citizen review panels. Existing federal law requires a citizen review panel to examine the policies, procedures, and practices of state and local agencies, and where appropriate, specific cases, to evaluate the extent to which state and local agencies are effectively discharging their child protection responsibilities. Existing federal law prevents members of a citizen review panel from disclosing information about any specific child protection case, subject to civil sanctions to be imposed by the state. This bill would conform state law to federal law regarding the establishment and duties of a citizen review panel. The bill would provide that a violation of the bill's confidentiality requirements may be punishable by a \$500 civil

fine.

Status: CHAPTERED (8/30/04)

AB 2909
Salinas

Early intervention services

Existing law, the California Early Intervention Services Act, which is in effect only until the state terminates its participation in Part H of the federal Individuals with Disabilities Education Act, provides for the coordination of services from various state and local agencies for the provision of services to infants and toddlers up to 2 years of age who have, or are at risk of having, disabilities. The act requires each eligible infant or toddler to have an individualized family service plan. This bill would require the State Department of Education to conduct a study of the current methods of providing special instruction and other services to infants and toddlers who are deaf or hard of hearing, and to report to the Legislature by January 1, 2006.

Status: CHAPTERED (9/10/04)

SB 693
Murray

Undersecretary of Foster Care Coordination

Existing law provides for the establishment of the California Health and Human Services Agency for the implementation and oversight of human services and health care programs. This bill would provide for the appointment by the Secretary of California Health and Human Services and confirmation by the Senate of an Undersecretary of Foster Care Coordination in the California Health and Human Services Agency, and would require the undersecretary to coordinate those activities of state and local agencies that provide for the needs of children placed in foster care.

Status: In Assembly Com. on Appr. Hearing postponed by committee. (last activity 4/21/03)

SB 855
Machado

Community care facilities: crisis nurseries

Existing law provides for the licensure and regulation by the State Department of Social Services of community care facilities, including facilities that provide care for children. Violation of the provisions relating to community care facilities is a misdemeanor. This bill would include a crisis nursery, as defined, within the provisions regulating a community care facility. Since a violation of the provisions applicable to community care facilities is a crime, this bill would impose a state-mandated local program. This bill would provide that exceptions to group home licensing regulations, in effect on August 1, 2004, for county-operated or county-contracted emergency shelter care facilities shall be contained in regulations for crisis nurseries. It would allow modified staffing levels in crisis nurseries, and would require the department to permit the use of volunteers as caregivers in a crisis nursery if certain conditions are met. Among these conditions is a requirement that the volunteers be fingerprinted for the purpose of conducting a criminal record review. Because a criminal record review includes a requirement that the person also sign a declaration under penalty of perjury regarding any prior criminal convictions, this bill would expand the definition of the crime of perjury, thereby imposing a state-mandated local program. Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which, pursuant to a combination of federal, state, and county funds, aid on behalf of eligible children is paid to foster care providers. This bill would include a crisis nursery among the facilities eligible to receive reimbursement under the above program when a child is placed in such a facility, and would require the department, to the extent federal financial participation is available, to set this reimbursement rate.

Status: CHAPTERED (9/21/04)

SB 1158
Scott

Hearing aids

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the regulation of health care service plans by the Department of Managed Health Care. Existing law requires a health care service plan to provide specified coverage to its enrollees and subscribers. Existing law provides that a violation of the act is a crime. Existing law provides for the regulation of health insurers by the Insurance Commissioner. Existing law requires a health insurance policy to provide specified coverage to insureds. This bill would require health care service plans and health insurers to provide coverage up to \$1,000 for hearing aids, as defined, to all enrollees, subscribers, and insureds under 18 years of age. The bill would provide that the coverage would not apply to certain

types of insurance.

Status: VETOED (9/22/04)

SB 1221
Morrow

Pupils: confidential medical services: parental notification

Existing law authorizes a minor to obtain various medical, dental, mental health, and counseling services without the consent of his or her parent or guardian and requires the governing board of a school district to notify pupils and the parents or guardians of those pupils that school authorities may excuse a pupil from school to obtain confidential medical services without that consent. Existing law authorizes a school district to include that notice with any other notice made to a parent or guardian of a pupil pursuant to existing law. This bill would require a school district to send that notice separately, as specified, thus imposing a state-mandated local program.

Status: In Senate Com. on Ed. Hearing canceled at the request of author. (last activity 6/24/04)

SB 1275
Ortiz

Hospitals: maternity services: infant funding assistance

Under existing law, the State Department of Health Services regulates the licensure and operation of health facilities, including general acute care hospitals. Violation of these provisions is a crime. This bill would recommend that a general acute care hospital provide or arrange for the provision of basic lactation management training, and safe preparation and appropriate bottle feeding techniques of infant formula for all health care practitioners who are permitted to provide these services and who regularly work the majority of their hours in the hospital maternity unit and nursery. This bill would require any manufacturer of infant formula that markets infant formula and distributes free infant formula samples in the maternity unit, nursery, or any other location in a hospital that allows the marketing and distribution of infant formula to include a single, readable disclaimer notice with specific language affixed prominently and clearly to the discharge bag. The bill would also prohibit the display of these products, or placards or posters concerning these products provided by a manufacturer or distributor of infant formula. The bill would also prohibit a hospital from acting as an agent for distribution of infant formula. This bill would authorize the department to establish a task force of interested parties to consider models that support breastfeeding, including the "Baby Friendly" model, as defined by the World Health Organization, and to develop plans to effectively transition interested and able hospitals to adapt to these models. This bill would require the task force, within 3 years of its establishment, to generate a report on its activities and recommendations to the Legislature. This bill would declare legislative intent that the task force operate as a subcommittee of the state Breastfeeding Promotion Advisory Committee. Activities of the task force would be conducted within the existing resources of the department and private resources and funding.

Status: In Asm. Health Com. Failed passage. (last activity 6/22/04)

SB 1313
Kuehl

Child abuse reporting

(1) This bill would define the willful harming or injuring of a child or the endangering of the person or health of a child, for purposes of these provisions. (2) Existing law identifies those persons who are mandated reporters for purposes of these provisions. This bill would specify that volunteers of public and private organizations whose duties include direct contact with and supervision of children are not mandated reporters but are encouraged to report instances of child abuse and neglect. (3) Existing law outlines the substance of training with regard to the duties imposed by these provisions but provides that a mandated reporter who does not receive this training shall not be excused from his or her duty as a mandated reporter. This bill would provide that employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed upon them by these provisions and would require employers to provide a statement containing specified information, as well as copies of specified provisions, whether or not an employer provides training in child abuse and neglect identification and reporting. This bill would also provide that public and private organizations are encouraged to provide their volunteers whose duties include direct contact with and supervision of children with training in identifying and reporting child abuse and neglect. (This bill makes additional changes regarding mandatory reporting of child abuse.)

Status: CHAPTERED (9/29/04)

SB 1343 Escutia	<p><i>Child care: infant and toddler care master plan</i></p> <p>Existing law, the Child Care and Development Services Act, requires the Superintendent of Public Instruction to develop standards for the implementation of quality programs. Existing law requires the Superintendent of Public Instruction to develop the state plan for child care and development services in collaboration with prescribed agencies and requires the State Department of Education to coordinate the state plan required under federal law with the state's master plan for child care and development. This bill would require the Superintendent of Public Instruction, working with a senior consultant who has expertise in early care and education, to develop recommendations for a master plan for infant and toddler care in consultation and collaboration with a task force established by the superintendent and comprised of prescribed members.</p> <p>Status: VETOED (9/29/04)</p>
SB 1364 Chesbro	<p><i>Developmental disabilities</i></p> <p>Existing law, the Lanterman Developmental Disabilities Services Act, establishes the State Council on Developmental Disabilities with 29 voting members, who, among other qualifications, are persons with developmental disabilities or parents, siblings, guardians, or conservators of these persons. This bill would revise the qualification of members appointed to the council including, but not limited to, substituting "immediate relatives" for "sibling" would revise the qualification of the chair and vice chair, and would make conforming changes.</p> <p>Status: CHAPTERED (6/25/04)</p>
SB 1525 Speier	<p><i>Health care: breast cancer and cervical cancer screening: family planning services</i></p> <p>Existing law requires the State Department of Health Services to provide breast cancer and cervical cancer screening services under a federal grant made under the federal Centers for Disease Control and Prevention breast and cervical cancer early detection program to eligible low-income individuals. A provider or entity that participates in the grant program may only render screening services to an individual if the provider or entity determines that the individual's family income does not exceed 200% of the federal poverty level. Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. Pursuant to a federal waiver, the Medi-Cal program administers a program known as the Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program, under which comprehensive clinical family planning services are provided to any person who has a family income at or below 200% of the federal poverty level and who is eligible to receive those services pursuant to the terms of the waiver. These services include a comprehensive health history that is periodically updated and that includes a complete obstetrical history, gynecological history, contraceptive history, personal medical history, health risk factors, and family health history, including genetic or hereditary conditions, and a complete physical examination on initial and subsequent periodic visits. Existing law establishes the Office of Family Planning in the State Department of Health Services. This bill would require the Family PACT Program within the Office of Family Planning to administer the breast and cervical cancer early detection program. This bill also would rename the Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program, as the Family Planning, Access, Care, and Treatment (Family PACT) Program.</p> <p>Status: VETOED (9/30/04)</p>
SB 1555 Speier	<p><i>Maternity services</i></p> <p>Existing law provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health insurer that provides maternity coverage may not restrict inpatient hospital benefits and is required to provide notice of the maternity services coverage. This bill would require a health insurer to provide coverage for maternity services, as defined.</p> <p>Status: VETOED (9/22/04)</p>
SB 1593 Hollingsworth	<p><i>Coerced abortion: patient assurance</i></p> <p>Existing law requires that the State Department of Health Services ensure that each patient receiving services under the Medi-Cal program be given full and complete information regarding health care services available from various health care providers, including a written statement to the effect that</p>

some hospitals and other providers do not provide one or more of various reproductive health care services. This bill would, commencing January 31, 2005, prohibit Medi-Cal funding of an abortion unless the physician and surgeon has obtained the written assurance from the patient that she understands that she may not be coerced into having an abortion, and that her decision to have an abortion is voluntary. The bill would require the Director of Health Services to notify providers of these requirements prior to January 31, 2005.

Status: In Com. on H. & H.S. Failed passage. (last activity 4/21/04)

SB 1692 *Pupil health: vision appraisal*

Vasconcellos Existing law requires, upon first enrollment in a California school district of a pupil at a California elementary school, and at least every 3rd year thereafter until the pupil has completed the 8th grade, the pupil's vision to be appraised by the school nurse or other authorized person, as specified. This bill would also require that if a vision appraisal is conducted, each pupil is to receive a notice and questionnaire regarding pupil vision, as specified. The bill would require each school to commence that distribution no later than September 1, 2005. The bill would, in addition, set forth the text of the notice and the manner in which the State Department of Education is required to develop the questionnaire. The bill would provide that the notice and questionnaire may be included with any other written communication sent to a parent or guardian and that in the interest of efficiency a school may suspend the distribution of the notice and questionnaire until the next reprinting of other written communication delivered to a parent or guardian. By imposing additional duties on school districts relating to vision appraisals, this bill would impose a state-mandated local program. This bill would authorize the department to amend the notice and questionnaire after consultation with qualified eye care professionals.

Status: VETOED (9/21/04)

SB 1825 *Foster Care Children's Agency*

Alarcon Existing law declares legislative intent to remove a child from the custody of his or her parents only when necessary, and to provide family reunification services, for expeditious reunification of the child with his or her family. Under existing law, the State Department of Social Services has responsibilities relating to children in foster care, including, but not limited to, distributing information, providing outreach services, and providing training and technical assistance to counties. This bill would require the Director of Social Services to establish the Foster Care Children's Agency, to ensure cooperation between state and local agencies in the provision of services to children in foster care. The bill would set forth the duties of the department, relating to serving children who have been placed in foster care multiple times, and removing financial incentives for breaking up families when children are placed in foster care.

Status: In Sen. H&HS Com. Hearing canceled at the request of author. (last activity 4/16/04)

SB 1829 *Disability compensation: family temporary disability insurance*

Knight Existing law establishes, within the state disability insurance program, a family temporary disability insurance program to provide up to 6 weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. This bill would repeal the state disability insurance program and make conforming changes in that regard.

Status: In Sen. Labor and Industrial Relations Com. Failed passage. (last activity 4/14/04)

SB 1843 *Health care service plans*

Karnette Existing law provides for licensure and regulation of health care service plans by the Department of Managed Health Care. Under existing law, a health care service plan that provides maternity coverage is generally prohibited from restricting inpatient hospital care to a time period less than 48 hours following a normal delivery and less than 96 hours following a delivery by caesarean section, except a decision to discharge the mother and newborn may be made by the treating physicians in consultation with the mother. This bill would also require the mother to consent to the newborn's discharge before the end of those time periods.

Status: To Com. on Insurance. (last activity 3/11/04)

SB 1860

Bowen

Community-based foster care pilot program

Existing law relating to foster care placement declares the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, and to remove a child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. Existing law also makes provision for the certification, licensing, and training of foster care providers. This bill would declare legislative intent to establish a community-based foster care pilot program, modeled after the Neighbor to Neighbor Program implemented in Chicago. The bill would require the State Department of Social Services to award a grant to a nonprofit organization for the establishment and implementation of the 3-year pilot program, for which foster care providers would be recruited from the community and provided with training, salary, and benefits. The bill would set forth other components of the pilot program, relating to, among other things, keeping sibling groups together, involvement of birth parents, reunification services, and case management duties. This bill would require the department to provide the program grant recipient with oversight and technical assistance. It would require the grant recipient to consult with the department to establish appropriate reporting and monitoring requirements for the program.

Status: In Asm. Appropriations. Held in committee and under submission. (last activity 8/12/04)

Public Health Administration

- AB 232
Chan *Statewide health planning and development: hospitals: self-pay policies*
This bill would require each general acute care hospital, acute psychiatric hospital, and special hospital to develop a self-pay policy specifying how the hospital shall determine the prices to be paid by self-pay patients, as defined. The bill would require the self-pay policy to include a section addressing charity care patients. It would require each hospital to perform various functions in connection with the hospital self-pay policy, including notifying patients of the policy, and attempting to determine the availability of private or public health insurance coverage for each patient. The bill would also specify billing and collection procedures to be followed by a hospital, its assignee, collection agency, or billing service. This bill would require each hospital to submit to the office a copy of the hospital's self-pay application. The bill would authorize the office to develop a uniform self-pay application to be used by all hospitals. The bill would require each hospital to provide information to the office, including a copy of the hospital's self-pay policy.
Status: In Senate. Read third time, passage refused (20-19). (last activity 8/29/04)
- AB 253
Steinberg *Health facilities: nurse-to-patient ratios*
Existing law relating to the regulation of health facilities requires the State Department of Health Services, by January 1, 2002, to adopt specified regulations with respect to licensed nurse-to-patient ratios for specified health facilities, including acute care hospitals. This bill would require the department to ensure compliance with these licensed nurse-to-patient ratios by taking specified measures when an acute care hospital is not in compliance. This bill would also authorize the department to assess a \$5,000 fine against a hospital where immediate jeopardy exists, as defined, and a \$10,000 fine against a hospital with a pattern of violation, as defined, of existing provisions relating to nurse-to-patient ratios.
Status: Assembly refused to concur in Senate amendments (29-33). To conference. (last activity 9/13/03)
- AB 521
Diaz *Prescription drug warnings*
Existing law, the Pharmacy Law, requires a pharmacist dispensing certain prescription drugs to inform a patient, orally or in writing, of information about their harmful effects when taken in combination with alcohol. This bill, commencing on January 1, 2006 would require that, if the information is provided in writing upon the request of the patient, it be in at least 12-point type.
Status: Referred to Senate Com. on B. & P. (last activity 6/19/03)
- AB 1527
Frommer *Health care coverage*
This bill would declare the Legislature's intent to increase the number of Californians who have affordable, high quality health care coverage by (a) Establishing a "pay or play" system under which an employer with 51 or more employees is required either to provide quality health care coverage that includes prescription drug benefits for his or her employees and their dependents or to pay a fee so that his or her employees and their dependents may obtain coverage from a statewide pool. (b) Establishing a purchasing pool to be operated by the Managed Risk Medical Insurance Board to provide health care coverage for employees and their dependents of employers who do not provide coverage directly. (c) Maximizing federal financial participation in health care coverage for individuals eligible for the Healthy Families and Medi-Cal programs through a premium assistance program that allows eligible employees to enroll in employment-based coverage with reimbursement from the state for the employee's share of the premium and for the cost of any benefits or services required by those programs that are not covered under the employer's plan. (d) Providing assistance to small employers for the cost of covering their employees and to employees who cannot afford their share of the premium costs. For those employers who are not subject to the "pay or play" requirements, assistance would be intended to serve as an incentive to purchase coverage.
Status: In Senate. Held at Desk. (last activity (2/5/04)
- AB 1881
Berg *Integrated health and human services programs*
Existing law authorizes the Counties of Humboldt, Mendocino, and Alameda, until January 1, 2005,

to implement a program for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system, subject to certain limitations. Existing law requires a participating county to evaluate its program and to submit its final report to the Governor or the Governor's designee and the Legislature by no later than January 1, 2004. This bill would extend the authority to implement an integrated health and human services program in accordance with the above provisions to any additional county or counties, as determined by the Secretary of California Health and Human Services. The bill would extend the duration of the program to January 1, 2009. The bill would also extend the date for submission of the final report to July 1, 2008.

Status: CHAPTERED (9/21/04)

AB 1957
Frommer

Prescription drugs

This bill would require the department to establish the California Rx Prescription Drug Web site on or before July 1, 2005, to provide information to California residents about options for obtaining prescription drugs at affordable prices. It would require that the Web site, at a minimum, provide information about, and establish electronic links to, specified programs, pharmacies that are located in Canada and that meet specified requirements, and other Web sites. The bill would authorize the department to assess a fee from Canadian pharmacies that the department reviews for possible inclusion on the Web site to offset the cost of reviewing them. The bill would require the department's Web site to include price comparisons of prescription drugs, including prices charged by licensed pharmacies in the state and Canadian pharmacies that provide mail order service to the United States and whose Web sites are linked to the department's. The bill would also require the department to ensure that the Web site is coordinated with and does not duplicate other Web sites that provide information about prescription drug options and costs. In addition, the bill would require that the department include (1) notice on the Web site that informs consumers, among other things, about state and federal laws governing the importation of prescription drugs and (2) a statement that the state accepts no legal liability with respect to any product offered or pharmaceutical services provided by a pharmacy linked to the Web site.

Status: VETOED (9/30/04)

AB 2086
Lieber

Medi-Cal: provider enrollment

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. Under existing law, commencing January 1, 2004, any Medi-Cal applicant who is not currently enrolled in the Medi-Cal program or a provider applying for continued enrollment, upon written notification from the department that enrollment for continued participation of all providers in a specific provider of service category or subgroup of that category to which the provider belongs will occur, or a provider not currently enrolled at a location where the provider intends to provide services, goods, supplies, or merchandise to a Medi-Cal beneficiary, is required to submit a complete application package for enrollment, continuing enrollment, or enrollment at a new location or a change in location, with certain exceptions. This bill would exempt federally qualified health centers and licensed pharmacies, that are owned and operated by a county or the Alameda County Medical Center Hospital Authority and individual licensed health care professionals who are employed by a county or the Alameda County Medical Center Hospital Authority, which are certified by the department to participate in the Medi-Cal program, from that enrollment requirement. The bill would provide that this exemption is not to be implemented if it would result in the loss of federal financial participation.

Status: VETOED (9/24/04)

AB 2177
Jackson

Community colleges: nursing programs

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. This bill would require each community college in the state that operates an associate degree nursing education program to implement merit-based admissions criteria for applicants to that program no

later than the 2006-07 academic year. The bill would require that the admissions criteria include, but not necessarily be limited to, overall college grade point average, grade point average in English classes, grade point average in core biology classes, and the number of times any one of the core biology classes was repeated. The bill would authorize community colleges that operate associate degree nursing programs to waive or supplement these criteria by adding or substituting a factor or factors found, by appropriate faculty or administrators of that community college, after identifying, conducting, or contracting for a pertinent validation study, to be consistent with relevant state and federal statutes and regulations. The bill would require each community college that operates an associate degree nursing education program to be responsible for tracking admissions data for all applicants to that program who have provided complete applications, including both admitted and nonadmitted applicants, to determine whether there is a disproportionate impact on any group of applicants as outlined in federal law and regulations. If the use of the factors set forth in the bill results in disproportionate impact, the bill would require the community college to make good-faith efforts to mitigate that impact

Status: Assembly third reading. (last activity 5/25/04)

AB 2208
Kehoe

Health care and insurance benefits

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans and makes a violation of the act's provisions a crime. Existing law also provides for the regulation of health insurers and all other forms of insurance by the Department of Insurance. Under existing law, health care service plans and health insurers are required to offer coverage for the domestic partner of an employee, subscriber, insured, or policyholder to the same extent and subject to the same terms and conditions as provided to a dependent of those persons. This bill would require a health care service plan and a health insurer to provide coverage to the domestic partner of an employee, subscriber, insured, or policyholder that is equal to the coverage it provides to the spouse of those persons. The bill would extend this requirement to all other forms of insurance regulated by the Department of Insurance and would deem that all of those policies as well as health care service plans and health insurance policies issued, amended, delivered, or renewed in this state on or after January 1, 2005, or January 2, 2005, as specified, provide domestic partner coverage equal to that provided to spouses.

Status: CHAPTERED (9/15/04)

AB 2226
Spitzer

Nurse practitioners: qualification requirements

Existing law, the Nursing Practice Act, provides for the licensing and regulation of nurse practitioners by the Board of Registered Nursing. Existing law authorizes the board to issue a certificate to use the title "nurse practitioner" to a registered nurse who the board finds qualified. This bill would, on and after January 1, 2008, require an applicant for initial qualification or certification as a nurse practitioner who has never been qualified or certified as a nurse practitioner in California or in any other state to meet specified requirements, including possessing a masters degree in nursing, a master's degree in a clinical field related to nursing, or a graduate degree in nursing, and to have satisfactorily completed a nurse practitioner program approved by the board.

Status: CHAPTERED (8/30/04)

AB 2248
Frommer

Parkinson's disease registry

Existing law requires the State Department of Health Services to conduct a program of epidemiological assessments of the incidence of cancer and establish a system for the collection of information determining the incidence of cancer. Pursuant to these provisions, existing law authorizes the department to designate demographic parts of the state as regional cancer incidence reporting areas and establish regional cancer disease registries. Existing law requires any hospital or other facility providing therapy to cancer patients and health care practitioners diagnosing or providing treatment to cancer patients within a cancer reporting area to report each case of cancer to the department or the authorized representative of the department in a format prescribed by the department. Information collected pursuant to this registry is confidential, except as provided. This bill would require the department to conduct a similar program of epidemiological assessments of the incidence of Parkinson's disease and establish a similar system for the collection of information

determining the incidence of Parkinson's disease.

Status: CHAPTERED (9/30/04)

AB 2285
Chu

Medi-cal: proof of eligibility

(1) Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care services. Existing law provides that it is the responsibility of the Medi-Cal beneficiary to provide information and evidence of Medi-Cal eligibility to that person's provider if that information is requested by the provider prior to rendering services to that beneficiary. Existing law provides that it is the responsibility of the provider prior to rendering Medi-Cal reimbursable services to persons presenting themselves as Medi-Cal beneficiaries to make a good faith effort to verify the person's identity, if the person is not known to the provider, otherwise payment for those services may later be disallowed by the department. This bill, commencing January 1, 2006, would provide that it is the responsibility of a hospital that has provided medical services to provide to any hospital-based provider of services that provided services at the hospital, all Medi-Cal eligibility documentation necessary for that provider to obtain reimbursement from the Medi-Cal program. The documentation would be required by the bill to be provided to all providers who bill separately and who rendered services during the encounter for which the hospital is submitting a claim as soon as the proof of eligibility is supplied by the person presenting themselves as a Medi-Cal beneficiary. (2) Under existing law, medically needy persons, medically needy family persons, and state-only Medi-Cal persons are not entitled to receive health care services during any month in which their share of cost, if any, has not been met. Share of cost is determined on a monthly basis. Existing law prohibits a Medi-Cal provider who has obtained a label or copy of a beneficiary's Medi-Cal card or other proof of eligibility from seeking reimbursement or attempting to obtain payment from an eligible Medi-Cal applicant or recipient. This bill would prohibit a provider from seeking an amount that exceeds the share of cost, if any, of a person or family under the Medi-Cal program. (3) Existing law provides that a beneficiary, or any person on behalf of the beneficiary, who pays for medically necessary health care services, otherwise covered by the Medi-Cal program, is entitled to a return of the payment from the provider or the department, if the payment meets 3 criteria, including if the payment was rendered 90 days prior to the issuance of a Medi-Cal card. Existing law authorizes the department to take enforcement actions against a provider who fails or refuses to reimburse a beneficiary who has paid for services under this provision. This bill would provide that if a provider seeks reimbursement in violation of the prohibitions described above, regarding seeking reimbursement after obtaining proof of eligibility and seeking an amount in excess of a person's or family's share of cost, the beneficiary, or any person on behalf of the beneficiary, who pays for medically necessary health care services, otherwise covered by the Medi-Cal program is entitled to a return of the payment from the provider or the department if the payment meets 6 criteria. If a beneficiary or any person on behalf of the beneficiary notifies the department that the provider is seeking or has sought reimbursement in violation of these provisions, the bill would require the department to notify the provider, among other things, that continued attempts to obtain payment directly from a beneficiary may result in sanctions. The bill would authorize the department to take enforcement actions against a provider who seeks reimbursement after this notice by the department and would require that the department take one or more enforcement actions against a provider who fails or refuses to reimburse, as required under these provisions, a beneficiary who has paid for services.

Status: VETOED (9/30/04)

AB 2291
Haynes

Medi-Cal: abortions: provider reimbursement

Existing law provides for the Medi-Cal program, administered by the department, under which qualified low-income persons are provided with health care services, including prescription benefits. This bill would prohibit the funding of an abortion under the Medi-Cal program unless the physician performing the abortion has obtained written assurance from the patient that she understands that she may not be coerced into having an abortion, and that the decision to have an abortion must be made voluntarily, without duress or intimidation. The bill would prohibit the reimbursement of a provider for abortion services unless the provider submits a statement signed by the recipient of the Medi-Cal benefits that includes a statement that it is against the law for anyone to force, intimidate, or coerce

the recipient into having an abortion.

Status: In Asm. Health Com. Failed passage. (last activity 4/13/04)

- AB 2300
Dymally *Health facilities: staff-to-patient ratios*
Existing law provides for the licensure and regulation by the State Department of Health Services of health facilities, including general acute care hospitals, acute psychiatric hospitals, and special hospitals. A violation by health facilities of these provisions is subject to criminal sanction. Existing law requires the department to adopt regulations that establish minimum, specific, and numerical licensed nurse-to-patient ratios by licensed nurse classification and by hospital unit for these health facilities. Existing law requires these hospitals to assign additional staff in accordance with a documented patient classification system for determining nursing care requirements. This bill would require these hospitals to develop a staffing plan for professional, technical, and support staff to determine the need for other professional, technical, and support staff to ensure safe and adequate patient care. The bill would require whenever the patient classification system is reviewed or revised that the professional, technical, and support staffing plan be reviewed or revised, and would require when the professional, technical, and support staffing plan is reviewed or revised that the patient classification system be reviewed or revised.
Status: In Asm. Health Com. Failed passage.(last activity 4/20/04)
- AB 2301
Maze *Health care for indigents: reports*
Existing law, the County Health Care for Indigents program, allocates funds appropriated for allocation to counties for health care services, and requires a county receiving an allocation pursuant to that program to, at a minimum, report to the State Department of Health Services all indigent health care program demographic, expenditure, and utilization data, in a manner that will provide an unduplicated count of users. Existing law also requires the counties to report demographic, cost, and utilization data to the department in a quarterly report, an estimated annual report, and an annual report. This bill would eliminate the requirement for the quarterly reports and the estimated annual reports.
Status: **CHAPTERED** (6/22/04)
- AB 2313
Chan *Health Insurance Portability and Accountability Act*
Existing law, the Health Insurance Portability and Accountability Implementation Act of 2001, makes an office established by the Governor within the Health and Human Services Agency responsible for implementing the provisions of the federal Health Insurance Portability and Accountability Act (HIPAA). Under the act, that office is required until January 1, 2005, to determine the provisions of state law that are preempted by HIPAA, at which time those provisions will be repealed. This bill would extend to January 1, 2008, the requirement that the office determine what state law is preempted.
Status: **CHAPTERED** (7/14/04)
- AB 2315
Maldonado *Income taxes: health savings accounts*
The Personal Income Tax Law authorizes various deductions in computing income that is subject to tax under that law. This bill would allow a deduction in connection with health savings accounts in conformity with recently enacted federal law. In general, the deduction would be an amount equal to the aggregate amount paid in cash during the taxable year by or on behalf of an eligible individual, as defined, to a health savings account of that individual, as provided. This bill would take effect immediately as a tax levy, but would apply to taxable years beginning on or after January 1, 2006, as provided.
Status: In Asm. Appropriations. Set, first hearing. Held under submission. (last activity 5/19/04)
- AB 2326
Corbett *Prescription drugs: report card*
Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. The act establishes an Office of Patient Advocate within the department and makes it responsible for developing educational and informational guides for consumers regarding health care services. This

bill would require the office to publish a report card before January 1, 2006, and update it annually thereafter, on the safety, effectiveness, and cost of prescription drugs, to be posted on the department's Internet Web site. The bill would require the department to notify other specified state departments of the report card and its updates. The bill would require the department to seek funding for startup costs from federal or private nonprofit charitable sources.

Status: In Senate Appropriations. Failed passage. (last activity 8/17/04)

AB 2429
Chavez *Health Care Providers Bill of Rights*
Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (the Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Under the Knox-Keene Act, the Health Care Providers' Bill of Rights prohibits a contract between a health care service plan and a health care provider from including a term authorizing the plan to change a material term of the contract unless the parties have agreed to it or it is required to comply with state or federal law or with accreditation requirements of a private sector accreditation organization. This bill would exempt a contract from this prohibition if it is between a noninstitutional provider and a health care service plan that provides benefits to enrollees or subscribers covered under the Medi-Cal or Healthy Families programs and compensates the provider on a fee-for-service basis and extends to the provider specified rights to negotiate the change and to terminate the contract.

Status: CHAPTERED (8/30/04)

AB 2494
Lieber *Health care benefits: large grocery stores*
Existing law provides for the licensing and regulation of food establishments under the California Uniform Retail Food Facilities Law. Under this law local health agencies have the primary enforcement responsibilities. This bill would require any food establishment that is a large grocery store, as a condition of receiving or renewing a valid permit to operate, to provide a written commitment to indemnify all potentially affected state and local governmental agencies for any significant expense incurred by those agencies in providing family health care to employees of the large grocery store or to present proof of qualifying health care benefits. The bill would make it a misdemeanor to attempt to prevent an employee from receiving health care benefits pursuant to these provisions or to punish the employee for receiving these benefits.

Status: In Asm. Health Com. Failed passage. (last activity 4/20/04)

AB 2630
Hancock *Alameda County Hospital Authority*
Existing law authorizes the Board of Supervisors of the County of Alameda to establish, by ordinance, a hospital authority to manage, administer, and control the Alameda County Medical Center. Existing law provides that employees of the authority may participate in the County Employees Retirement System and that the authority is subject to the collective bargaining requirements for local public agencies. This bill would specify that the hospital authority is required to comply with statutory law that requires all contracts of employment between an employee and a local agency employer to include a provision that establishes limitations on the maximum cash settlement an employee may receive if the employment contract is terminated.

Status: CHAPTERED (6/22/04)

AB 2731
Dymally *Medi-Cal: provider reimbursement*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. This bill would state the intent of the Legislature to enact legislation to provide a special reimbursement program designed to preserve economically endangered facilities that offer access for Medi-Cal beneficiaries and uninsured and underinsured patients to certain essential hospital services, including emergency room services, obstetrical services, and neonatal intensive care services.

Status: From printer. May be heard in committee 3/23. (last activity 2/22/04)

AB 2759
Levine *Health care coverage*
Existing law provides for regulation of health care service plans by the Department of Managed

Health Care. Existing law provides for regulation of health insurers by the Insurance Commissioner. A willful violation of the provisions governing health care service plans is a crime. This bill, on and after January 1, 2005, would require a health care service plan or health insurer issuing individual plan contracts or individual policies of health insurance and that ceases to offer individual coverage in this state, to continue to provide coverage to the subscribers or policyholders who had been covered by those contracts and policies at the time of withdrawal under certain terms and conditions. The bill would also require a health care service plan that ceases to offer individual coverage in a service area other than coverage provided by a preferred provider organization, to continue to offer that coverage to subscribers who had been covered by those contracts at the time of withdrawal if it continues to offer group coverage in the service area. The bill would also provide that these provisions would not apply when a plan participating in a contract to provide health coverage with a government entity no longer contracts with the government entity to provide that coverage in the state or a specified area of the state or when a plan ceases to offer and issue any and all forms of coverage in any part of the state after the effective date of this section.

Status: CHAPTERED (9/13/04)

AB 2766
Richman

Local human service programs

Existing law provides for the allocation of funds appropriated from the continuously appropriated Local Revenue Fund for the distribution of sales tax and motor vehicle license fee moneys to local agencies for the reallocation of state and local responsibilities in the administration of various social programs. The Local Revenue Fund is divided into various accounts and subaccounts, including the Sales Tax Growth Account, which contains, among other subaccounts, the Base Restoration Subaccount, the County Medical Services Subaccount, the General Growth Subaccount, and the Special Equity Subaccount. This bill would delete those subaccounts, revise the name of other subaccounts in that account, would add the Non-Caseload Social Services Subaccount to that account, and would make conforming changes. Existing law provides for the investment of money in the fund, and for the distribution of interest earned on that investment to the various accounts and subaccounts in the fund. Existing law provides that if any distribution of the interest would cause a subaccount to exceed its applicable limitations, the distribution is to be made among the remaining subaccounts in proportion to the amounts deposited into each subaccount in the prior 6 months. This bill would limit that distribution requirement to the distribution of funds to other subaccounts to the Caseload Growth Subaccount in the Sales Tax Growth Account, and would eliminate specific references to those provisions containing subaccount limitations. Existing law requires the Controller to deposit into the Base Restoration Subaccount, the County Medical Services Subaccount, and the Special Equity Subaccount of the Sales Tax Growth Account in the fund certain remaining unexpended of those revenues deposited into the Sales Tax Growth Account. This bill would repeal those requirements and would make conforming changes. Existing law provides for the distribution of funds remaining in the Sales Tax Growth Account of the fund, after specified distribution obligations are met, into the various subaccounts of that account according to a percentage allocation formula. This bill would revise that percentage allocation formula. Existing law provides for the allocation of funds to eligible jurisdictions with a poverty-population shortfall if deposits into certain subaccounts in the Sales Tax Growth Account are not sufficient to eliminate poverty-population shortfalls, as calculated by the Department of Finance. This bill would revise the formula for the computation of a poverty-population percentages and would make technical revisions. Existing law requires the Controller to allocate funds from the General Growth Subaccount in the Sales Tax Growth Account to local agencies in accordance with a schedule set forth in the statutes. This bill would, instead, require the allocation of funds deposited in the Non-Caseload Social Services Account to local agencies according to their percentage share of the statewide resource base allocated in the prior fiscal year. Existing law requires the Controller to allocate funds in the Special Equity Subaccount of the Sales Tax Growth Account to certain counties in an allocation percentage set forth in the statutes, and limits the amount that may be allocated to each of those local agencies. This bill would repeal that requirement.

Status: Referred to Asm. Com. on Human Services. (last activity 3/15/04)

AB 2769
Richman

Public health administration

Existing law establishes within the California Health and Human Services Agency the State

Department of Health Services, under the direction of the Director of Health Services, for the administration of health programs and public aid health care programs. This bill would establish within the California Health and Human Services Agency the State Department of Public Health, under the direction of the State Health Officer, and would require the department to administer various health-related programs. The bill would also establish the Public Health Improvement Board, to provide advice to the department in the development of policies, regulations, and programs that are administered by the department or that directly affect the health of Californians.

Status: In Assembly Com. on Health. Failed passage. (last activity 4/20/04)

AB 2839

Nursing schools

Daucher

Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing. This bill would require the board to establish a workgroup or use an existing committee to encourage and facilitate transfer agreements or other enrollment models between associate degree and baccalaureate degree nursing programs.

Status: CHAPTERED (8/23/04)

AB 2960

Health care service plans: noncontracting providers

Wiggins

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. This bill would declare the intent of the Legislature to enact legislation that would protect the public from the gaps in health care coverage that occur when an enrollee of a health care service plan receives services from a health care provider who does not have a contract with the plan.

Status: From printer. May be heard in committee 3/23. (last activity 2/22/04)

AB 2963

Health facilities: nurse-to-patient ratios

Pacheco

Existing law provides for the licensure and regulation of health facilities, including general acute care hospitals, acute psychiatric hospitals, and special hospitals, by the State Department of Health Services. Existing law requires the department to adopt regulations that establish licensed nurse-to-patient ratios by licensed nurse classification and by hospital unit for these health facilities. This bill would require, by January 1, 2005, the department to evaluate the regulations that became effective on January 1, 2004, relating to nurse-to-patient ratios in the medical/surgical care unit in these health facilities. The bill would provide that the department may not impose the 1:5 nurse-to-patient ratio requirement upon these health facilities unless the department is able to demonstrate that certain conditions are satisfied.

Status: In Asm. Health Com. Hearing canceled at the request of author. (last activity 3/30/04)

AB 2985

Health care coverage

McCarthy

The Health Insurance Act of 2003 (SB 2, Chapter 673 of the Statutes of 2003), which is the subject of a referendum to appear on the November 2, 2004, general election ballot, creates the State Health Purchasing Program, to be administered by the Managed Risk Medical Insurance Board. Under that act, certain employers would be required to provide specified health care coverage to employees, and in the case of large employers, to dependents of employees, either by arranging for that coverage directly or through payment of a fee to the program for coverage through the program. Employees and dependents of large employers would be required to be covered beginning January 1, 2006, while employees of certain medium employers would be required to be covered beginning January 1, 2007, subject to certain conditions. This bill would suspend the requirements otherwise imposed on employers pursuant to these provisions at any time that the Employment Development Department determines that the overall unemployment rate in the state has been at 7% or higher for at least 3 consecutive months. The suspension would remain in effect for a minimum of 2 years, and would be lifted with one months' advance notice if the department determines that the overall unemployment rate in the state has been below 7% for the 3 consecutive months immediately prior to the date that the suspension is proposed to be terminated. This bill would provide that its provisions would become operative only if the voters, voting on the referendum on SB 2 (Chapter 673 of the Statutes of 2003), vote to approve that statute.

Status: In Asm. Health Com. Hearing canceled at the request of author. (last activity 4/20/04)

AB 2990 McCarthy	<p><i>Health savings accounts</i></p> <p>Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a violation of the act's requirements a crime. Under the act, a plan is required to comply with specified standards with regard to the coverage it provides. This bill would authorize a health care service plan to offer a plan contract with a high deductible for an enrollee or subscriber who has a health savings account that plan contract complies with specified provisions of federal law.</p> <p>Status: In Asm. Health Com. Hearing canceled at the request of author. (last activity 4/20/04)</p>
AB 2996 Richman	<p><i>Health care service plans: modification of requirements</i></p> <p>Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Under the act, a plan is required to provide specified health care services unless exempted from that requirement by the director of the department. This bill would authorize a health care service plan that offers and provides at least one contract providing all of those mandated health care services, to enter into and issue one or more contracts or policies that provide only those benefits and coverages that have been agreed to by the plan and subscriber.</p> <p>Status: In Asm. Health Com. Failed passage. (last activity 4/13/04)</p>
ABX5 5 McCarthy	<p><i>Taxes: vehicle license fee</i></p> <p>Existing law provides that the annual vehicle license fee is 2% of the market value, which is adjusted for depreciation. Existing law also provides that any changes in the manner of computation of the vehicle license fee made during the 1991-92 legislative session, which result in an increase in the amount of the vehicle license fee, would cease to be operative if either of 2 specified contingencies occurred. The second of the contingencies is the state is found by judicial determination to be obligated to reimburse counties for costs of providing medical services to medically indigent adults. This bill would eliminate the contingency provisions that would make these increases in the computation of the vehicle license fee inoperative.</p> <p>Status: Read first time. (last activity 12/5/03)</p>
SB 323 Soto	<p><i>Medi-Cal: disease management</i></p> <p>This bill would declare that it is the intent of the Legislature to enact legislation that would establish a strategy for providing Medi-Cal beneficiaries with disease management programs and services.</p> <p>Status: In Assembly. Read first time. Held at desk. (last activity 6/4/03)</p>
SB 379 Ortiz	<p><i>Statewide health planning and development: hospitals: charity care and reduced payment policies</i></p> <p>Existing law provides for the Office of Statewide Health Planning and Development, which is charged with enforcement of various provisions of law relating to health facilities, including hospitals, as defined. This bill, which would be operative on June 1, 2005, would require each general acute care hospital, acute psychiatric hospital, and special hospital, except a facility owned or operated by the State Department of Mental Health or the Department of Corrections, to develop a charity care and reduced payment policy, as defined, specifying the financial criteria and procedure used by the hospital to determine whether a patient is eligible for defined charity care or payment allowances, and a charity care and reduced payment application, as defined, in accordance with requirements established by the bill. It would require each hospital to perform various functions in this regard, including notifying patients of the hospital's charity care and reduced payment policy in a language-appropriate manner. The bill would authorize the office to develop a charity care and reduced payment application or standard elements for each hospital's application, in consultation with interested parties. It would also limit debt collection activities of a hospital and its agents, collection agencies, or assignees for the first 150 days after discharge of a patient who received treatment under a charity care or reduced payment policy.</p> <p>Status: VETOED (9/22/04)</p>
SB 431 Ortiz	<p><i>Bioterrorism preparedness</i></p> <p>Existing law establishes procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions of federal funding received for the prevention of, and response to,</p>

bioterrorist attacks and other public health emergencies. This bill would appropriate \$2,300,000 from the Federal Trust Fund to the State Department of Health Services to implement bioterrorism preparedness measures by state and local jurisdictions.

Status: CHAPTERED (9/10/04)

SB 785
Ortiz

Medi-Cal: managed health care plan option

This bill would require the State Department of Health Services, upon the availability of federal funding, to modify the Medi-Cal mail-in application form, and other appropriate materials, and the single point-of-entry application form to allow applicants in counties served by managed health care plans to contact the enrollment contractor by using the Health Care Options toll-free telephone number to request and receive enrollment materials before a Medi-Cal eligibility determination has been made.

Status: CHAPTERED (9/09/04)

SB 858
Ortiz

State Department of Public health

Existing law establishes the scope of functions and responsibilities of the State Department of Health Services. This bill would enact the California Public Health Act of 2004, which would, on an unspecified date, establish the State Department of Public Health, to be headed by the State Health Officer to be appointed by the Governor, subject to confirmation by the Senate. The bill would transfer the responsibility for certain programs from the State Department of Health Services to the State Department of Public Health, and would make conforming changes. This bill would also establish the Public Health Board, consisting of 13 members, for purposes of providing public and expert involvement in the development of policies, regulations, and programs administered by the department or directly affecting the health of Californians.

Status: In Asm. Appropriations. Held in committee and under submission. (last activity 8/12/04)

SB 921
Kuehl

Single payer health care coverage

This bill would establish the California Health Care System to be administered by the newly created California Health Care Agency under the control of an elected Health Care Commissioner. The bill would make all California residents eligible for specified health care benefits under the California Health Care System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. The bill would prohibit deductibles or copayments during the initial first 2 years of operation of the health care system, but would authorize the commissioner to establish deductibles and copayments thereafter. The bill would require the health care system to be operational by January 1, 2006, and would enact various transition provisions. The bill would require the commissioner to seek all necessary waivers, exemptions, agreements, or legislation to allow various existing federal, state, and local health care payments to be paid to the California Health Care System, which would then assume responsibility for all benefits and services previously paid for with those funds. The bill would create a Health Policy Board to establish policy on medical issues and various other matters relating to the health care system. The bill would create the Office of Consumer Advocacy within the agency to represent the interests of health care consumers relative to the health care system. The bill would create within the agency the Office of headed by the chief medical officer, to support the delivery of high quality care and promote provider and patient satisfaction. The bill would create the Office of Inspector General for the California Health Care System within the Attorney General's office, which would have various oversight powers. The bill would extend the application of certain insurance fraud laws to providers of services and products under the health care system, thereby imposing a state-mandated local program by revising the definition of a crime. The bill would enact other related provisions relative to budgeting, federal preemption, subrogation, collective bargaining agreements, and associated matters.

Status: Read second time. Amended. Re-referred to Asm. Com. on Appropriations. (last activity 6/29/04)

SB 1144
Burton

Public contracts: prescriptions drugs

Existing law authorizes the Department of General Services to enter into contracts on a bid or negotiated basis with manufacturers and suppliers of single source or multisource drugs, and

authorizes the department to obtain from them discounts, rebates, or refunds as permissible under federal law. Existing law also requires the department, on or before February 1, 2005, to submit a report containing specified information to certain committees of the Legislature regarding the purchase of prescription drugs for government agencies. This bill would provide that the manufacturers and suppliers of single source or multisource drugs with whom the department is authorized to contract shall include Canadian sources, and would require that all contracts include appropriate safeguards and oversight and regulatory requirements, as specified. The bill would also require the Department of General Services to seek appropriate federal waivers, as specified. Additionally, the bill would require the report to include estimated costs and savings attributable to the purchase of prescription pharmaceuticals from Canadian sources.

Status: VETOED (9/30/03)

SB 1157
Romero

Disability insurance: intoxication

Existing law generally authorizes insurers to include certain provisions in their disability insurance policies. Under existing law, a disability insurance policy may contain a provision indicating that the insurer is not liable for any loss caused by the insured being intoxicated or under the influence of any controlled substance unless administered on the advice of a physician. This bill would exempt a health insurance policy from the above policy provision.

Status: VETOED (7/08/04)

SB 1187
Chesbro

Medi-Cal: federally qualified health centers and rural health services

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. Existing law provides that federally qualified health center (FQHC) services and rural health clinic (RHC) services, as defined, are covered benefits under the Medi-Cal program, to be reimbursed to providers on a per-visit basis, and would provide for various requirements pertaining to the reimbursement of these services. Existing law authorizes each FQHC or RHC to apply for an adjustment to the per-visit rate, and provides for the evaluation of rate change proposals based on a change in the scope of services, but prohibits a change in the costs to be considered a scope-of-service unless certain factors apply, defines visits for those purposes, and prescribes procedures and deadlines for submitting a scope-of-service change. This bill would revise the scope of those factors applicable to a scope-of-service change for any FQHC or RHC filing a consolidated cost report for multiple sites, and would authorize those entities to utilize a consolidated cost report in order to calculate costs associated with a scope-of-service change, and would revise the definition of a visit for those purposes. This bill would establish various conditions that must be met for a FQHC or RHC that provides services at a location other than a site owned by the FQHC or RHC to be directly reimbursed for those services, which reimbursement would be either at the prospective payment rate or at a fee-for-service rate. This bill would provide that encounters with more than one health professional and multiple encounters with the same health professional that take place on a single day and at a single location constitute a single visit for reimbursement purposes, unless certain conditions apply.

Status: In Sen. Appropriations. Held in committee and under submission. (last activity 5/20/04)

SB 1192
Chesbro

Substance related disorders

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a violation of the act's requirements a crime. Existing law also provides for the licensure and regulation of health insurers by the Department of Insurance. Existing law requires a health care service plan and a health insurer to offer coverage for the treatment of alcoholism. Under existing law, the Public Employees' Medical and Hospital Care Act, the Public Employees' Retirement System (PERS) arranges for the provision of health care benefits to public employees and annuitants. This bill would require a health care service plan and health insurer to provide coverage for the medically necessary treatment of substance-related disorders, excluding caffeine and nicotine related disorders, on the same basis as coverage is provided for any other medical condition. The bill would authorize a plan and insurer to limit nonhospital residential care, as defined, to 60 days per calendar year and outpatient care to 20 visits per calendar year. The bill would make implementation of its

provisions contingent on PERS determining that it would be cost neutral with regard to PERS' substance abuse treatment benefit package.

Status: In Asm. Health Com. Failed passage. (last activity 6/22/04)

SB 1196
Cedillo

Health care applications

This bill would authorize the sharing of the school lunch program application for purposes of the Healthy Families Program and any other applicable county- or local-sponsored health insurance program if a pupil is determined to be ineligible for Medi-Cal coverage and if the parent or guardian has consented to the sharing of information. This bill would require the county agency responsible for administering the Medi-Cal program to forward the school lunch application to the Healthy Families Program and to county- and local-sponsored health insurance programs if a pupil is determined to be ineligible for Medi-Cal coverage through the accelerated eligibility determination process and if the parent has previously provided consent. The bill would delete the requirement for the county to send a Healthy Families Program application in that case. The bill would authorize schools to designate non-food service staff to assist in the administration of school lunch program applications

Status: CHAPTERED (9/24/04)

SB 1245
Kuehl

California State University: Entry-Level Master's Nursing Programs Act

This bill would authorize the sharing of the school lunch program application for purposes of the Healthy Families Program and any other applicable county- or local-sponsored health insurance program if a pupil is determined to be ineligible for Medi-Cal coverage and if the parent or guardian has consented to the sharing of information. This bill would require the county agency responsible for administering the Medi-Cal program to forward the school lunch application to the Healthy Families Program and to county- and local-sponsored health insurance programs if a pupil is determined to be ineligible for Medi-Cal coverage through the accelerated eligibility determination process and if the parent has previously provided consent. The bill would delete the requirement for the county to send a Healthy Families Program application in that case. The bill would authorize schools to designate non-food service staff to assist in the administration of school lunch program applications

Status: CHAPTERED (9/23/04)

SB 1270
Ortiz

Budget Act appropriations: excess revenues: funding priorities

Existing law provides for various public social services programs under which health care services, cash assistance, and other benefits are provided to qualified low-income families and individuals and qualified aged, blind, and disabled persons. This bill would require the Joint Legislative Budget Committee and the Governor to jointly develop a plan that outlines by agency and strategy the allocation, as proposed by the bill, of any revenues deposited in the General Fund for any fiscal year that exceed the amount appropriated from the General Fund for that fiscal year, excluding any revenues the expenditure of which would be restricted by law.

Status: To Senate Com. on B. & F.R. (last activity 2/26/04)

SB 1349
Ortiz

Health care coverage: quality improvement and cost containment

Existing law provides for the licensing and regulation of health care service plans by the Department of Managed Health Care. Existing law provides for the licensing and regulation of health insurers by the Department of Insurance. Existing law requires the Governor to convene the California Health Care Quality Improvement and Cost Containment Commission, with 27 members appointed by the Governor and Legislature, which is to report to the Governor and Legislature by January 1, 2005, on its recommendations for health care quality improvement and cost containment. This bill would require the Department of Managed Health Care and the Department of Insurance to impose a fee on each health care service plan and health insurer, respectively, that is sufficient, in the aggregate, to defray the costs reasonably necessary to fund the California Health Care Quality Improvement and Cost Containment Commission, as determined by the Department of Finance, up to \$364,000 for each of the 2004-05 and 2005-06 fiscal years. The bill would add other related provisions.

Status: In Asm. Appropriations. Held in committee and under submission. (last activity 8/12/04)

- SB 1455 *Medi-Cal: eligibility determinations*
Figueroa Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. Under existing law, counties are responsible for the implementation of eligibility determinations under the Medi-Cal program. This bill would provide that for purposes of determining eligibility for benefits under the Medi-Cal program, a recipient or applicant may certify his or her available income and available resources. This bill would also disregard assets in the determination of eligibility for any member of a family with an income the does not exceed an unspecified level and in the case of assets owned by parents of children who are eligible for benefits under the Medi-Cal program. (there is one other provision requiring a cost-benefits analysis be conducted of treatment authorization requests)
Status: Referred to Senate Com. on H. & H.S. (last activity 3/4/04)
- SB 1487 *Health facilities: hospital-acquired infection*
Speier Existing law provides for the licensure and regulation by the State Department of Health Services of health facilities, including general acute care hospitals, acute psychiatric hospitals, and special hospitals. A violation of these provisions by a health facility is a crime. Existing law requires health facilities to file various reports containing health facility data with the Office of Statewide Health Planning and Development. This bill would require those facilities to have a written infection control program for the surveillance, prevention, and control of infections, under the oversight of a multidisciplinary team. Existing law requires every organization that operates, conducts, owns, or maintains a health facility, and the officers thereof, to make and file with the office certain health data and requires hospitals to provide to the office a hospital discharge abstract data record. This bill would require a hospital to provide certain infection rate data to the office that would be available to the public. The provisions of the bill would become operative on July 1, 2005, inoperative on October 1, 2012, and would be repealed on January 1, 2013.
Status: VETOED (9/30/04)
- SB 1573 *State mandates: reimbursement*
Battin (1) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing statutory law establishes a procedure for local government agencies to file claims for reimbursement of these costs with the Commission on State Mandates. This bill would define the costs eligible for reimbursement under these provisions as including only costs in addition to those costs previously incurred, including any costs of discretionary efforts to implement the program or service prior to enactment of the mandate, unless the Legislature specifies that the previously optional costs are to be reimbursed; only those costs of providing, in the most cost-effective manner, the minimum level of program or service necessary to comply with the mandate; and only costs up to a maximum level specified in legislation. (2) Existing law provides that when a local government submits a test claim for reimbursement, the commission is required to issue a statement of decision as to whether the claim constitutes a mandate and to adopt parameters and guidelines for submission of claims on that mandate. The test claimant is required to submit proposed parameters and guidelines within 30 days of adoption of a statement of decision. This bill would require the commission, no less than 60 days prior to the anticipated date of adoption of parameters and guidelines, to submit the proposed parameters and guidelines to the chairpersons of the fiscal committees of the Legislature. (3) Existing law requires the Controller to pay reimbursement on any claim the commission has determined constitutes a state mandate, as specified. This bill would require the Controller, when paying any claim for reimbursement, to credit the amount of any state or federal funding available to the claimant for the mandate as an offset to the amount of the claim.
Status: In Senate Com. on L. Gov. Hearing canceled at the request of author. (last activity 4/20/04)
- SB 1631 *Cal-Health program*
Figueroa Existing law provides various programs to provide health care services to persons with limited incomes who meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board and the Medi-Cal program

administered by the State Department of Health Services. This bill would create the California Health Care Program (Cal-Health) to coordinate the Medi-Cal and Healthy Families programs for the purpose of reducing administrative costs. The bill would require the department and the board to carry out the duties and functions of the program. The bill would require, by July 1, 2005, the state to submit a federal waiver under the federal Social Security Act or exercise other options under federal law to permit providers to screen and temporarily enroll children, parents, and other adults who meet initial screening requirements into the Medi-Cal and Health Families programs. The bill would require the department and board to report their recommendations to the Legislature by March 1, 2005, to make various procedures the same for the Medi-Cal and Healthy Families programs. Existing law requires the department, to the extent federal financial participation is available, to adopt less restrictive income and resource eligibility standards to determine eligibility for Medi-Cal benefits. This bill would revise eligibility standards under the Medi-Cal Program by exempting specified resources from consideration.

Status: In Sen. Appropriations. Held in committee and under submission. (last activity 5/20/04)

SB 1671 *Health care: Medicare and Medi-Cal*

Vasconcellos This bill would require the State Department of Health Services to develop, in consultation with the federal Centers for Medicare and Medicaid Services, and administer a federally approved project that integrates Medicare and Medi-Cal funding streams, medical benefits, and long-term care services with respect to an adult who is eligible under both the Medi-Cal program and the federal Medicare program and who is voluntarily enrolled with a contracting entity and receiving benefits pursuant to the federally approved project. The project established under the bill would be known as Cal Care Options. The demonstration project would be implemented only if, and to the extent, permitted under federal law. It would also establish requirements of contracting entities providing services under the program.

Status: In Asm. Appropriations. Held in committee and under submission. (last activity 8/12/04)

SB 1743 *Medi-Cal: provider reimbursement*

Cedillo Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. This bill would state the intent of the Legislature to enact legislation to provide a special reimbursement program designed to preserve economically endangered facilities that offer access for Medi-Cal beneficiaries and uninsured and underinsured patients to certain essential hospital services, including emergency room services, obstetrical services, and neonatal intensive care services.

Status: Referred to Senate Com. on Rls. (last activity 3/11/04)

SB 1783 *Medi-Cal: managed care*

Dunn Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. Existing law provides for the department to enter into contracts with managed care systems, hospitals, and prepaid health plans for the provision of various Medi-Cal benefits. Existing law prohibits California Children's Services covered services from being incorporated into a Medi-Cal managed care contract entered into after August 1, 1994, until August 1, 2005, except with respect to contracts entered into for county organized health systems in specified counties. This bill would extend to August 1, 2008 the date of the termination of the prohibition against CCS covered services being incorporated into a Medi-Cal managed care contract entered into after August 1, 1994.

Status: In Sen. Health Com. Hearing canceled at the request of author. (last activity 6/22/04)

SB 1792 *Medi-Cal: pharmacy services: reimbursement*

Ashburn Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care services, including prescription drugs. Existing law provides for the reimbursement of providers under the Medi-Cal program and requires, until January 1, 2007, the Director of Health Services to reduce provider payments for the Medi-Cal program and various non-Medi-Cal programs, by 5%, with

certain exceptions. This bill would require the department to ensure that medications provided to patients in a skilled nursing facility or intermediate care facility are reimbursed in a manner consistent with the special services provided that will ensure that patients in these facilities receive appropriate care and monitoring of their drug regimen.

Status: In Asm. Appropriations. Held in committee and under submission. (last activity 8/12/04)

Shelter

- AB 1970
Harman *Land use: housing element*
The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. It also requires the Department of Housing and Community Development to determine the regional share of the statewide housing need, as specified, and for each council of governments to determine the existing and projected housing need for its region. This bill would authorize a city that meets specified requirements to adopt a housing element that makes no provision for new housing or the share of regional housing needs.
Status: In Asm. Local Government Com. Hearing canceled at the request of author. (last activity 4/19/04)
- AB 2158
Lowenthal *Housing elements: regional housing need*
Existing law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs. The assessment includes the locality's share of the regional housing need. That share is determined by the appropriate council of governments, subject to revision by the Department of Housing and Community Development. A city, county, or city and county is required to submit a draft housing element or draft amendment to its housing element to the department for a determination of whether the draft complies with state law governing housing elements. This bill would revise the procedures for determining shares of the existing and projected regional housing need for cities, counties, and subregions at all income levels, as specified. By imposing additional duties upon local officials, this bill would create a state-mandated local program.
Status: **CHPATERED** (9/22/04))
- AB 2264
Chavez *General plan: housing element*
Existing law requires the housing element of a city or county general plan to contain an assessment of housing needs, including an analysis of available governmental subsidy programs relative to preservation of affordable housing, and a program to implement the policies in the housing element. This bill would require that analysis and program to also identify available private funds.
Status: In Asm. Housing and Community Development Com. Hearing canceled at the request of author. (last activity 4/15/04)
- AB 2348
Mullin *Housing element: regional housing need*
Existing law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of land suitable for residential development in meeting a city's or county's share of the regional housing need, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning facilities and services to these sites. A city, county, or city and county is required to submit a draft housing element or draft amendment to its housing element to the Department of Housing and Community Development for a determination of whether the draft complies with state law governing housing elements. This bill would revise the criteria for the inventory of sites to require sites to be identified that can be developed for housing within the planning period to accommodate that portion of a city's or county's share of the regional housing need for all income levels, as specified. The bill would expand the relocation assistance available to persons displaced by sites identified for substantial rehabilitation. By imposing additional duties upon local officials, this bill would create a state-mandated local program. The bill would also provide that the department is to evaluate a proposed or adopted housing element for substantial compliance with governing state law, and would revise the requirements that may be imposed on a development project that contributes to meeting the regional housing need.
Status: **CHAPTERED** (9/23/04)

- AB 2515
Runner *Low-income housing: military base*
The Community Redevelopment Law requires redevelopment agencies to use not less than 20% of taxes allocated to the agency for low- and moderate-income housing, as specified. The law authorizes the legislative bodies for communities having territory within, adjacent to, or in proximity to a specified military facility or installation to create a joint powers agency to have and exclusively exercise the powers of a redevelopment agency in furtherance of the redevelopment of a project area approved by the joint powers agency. This bill would authorize the above-described joint powers agency to defer the use of taxes allocated to the agency for low- and moderate-income housing for a period of not more than 5 years after the agency adopts, by resolution, findings based on substantial evidence that the vacancy rate for rental housing affordable to lower income households within the project area is more than 4%. The bill would require the amount deferred to be repaid by the end of the 15th fiscal year after the adoption of the resolution.
Status: Referred to Coms. on H. & C.D. (last activity 4/12/04)
- AB 2836
Maddox *Housing*
Existing law, for purposes of various provisions of law relating to housing, defines "persons and families of moderate income" to include persons and families whose income does not exceed 120% of area median income. This bill would, for purposes of provisions of the Planning and Zoning Law relating to housing elements and for purposes of the Building Equity and Growth in Neighborhoods Program, authorize a city, county, or city and county to define "persons and families of moderate income" to include persons and families whose income does not exceed 140% or 200% of area median income if specified conditions are met.
Status: In Com. on H. & C.D. Failed passage. (last activity 4/14/04)
- AB 2838
Salinas *Downpayment assistance: sales of real property*
(1) The existing California Homebuyer's Downpayment Assistance Program administered by the California Housing Finance Agency authorizes funds appropriated for purposes of the program to be used to provide downpayment assistance to first-time low- and moderate-income home buyers that does not exceed 3% of the home sales price. Moneys transferred to the Self-Help Housing Fund by the Housing and Emergency Shelter Trust Fund Act of 2002 are continuously appropriated to the agency for purposes of the program. This bill would authorize, subject to specified limitations, that downpayment assistance to not exceed 6% of the home sales price if provided to first-time low-income home buyers in specified revitalization areas. By authorizing a new purpose for continuously appropriated funds, the bill would make an appropriation. (2) The Leroy F. Greene State School Building Lease-Purchase Law of 1976 prescribes priorities and procedures for the sale or lease with an option to purchase real property by a school district. The law requires a school district to offer to sell or lease with an option to purchase the real property in writing to specified state and local public entities and by public notice to other specified public entities and nonprofit organizations. This bill would require the offer to sell or lease with an option to purchase to be provided in writing to these other public entities or nonprofit organizations only upon the submission of a written request to the school district that the entity or organization be directly notified of the offer. By increasing the duties of local officials, this bill would impose a state-mandated local program.
Status: **CHAPTERED** (9/22/04)
- AB 2980
Salinas *Housing element: self-certification*
Existing law authorizes cities and counties within the jurisdiction of the San Diego Association of Governments to self-certify the revision of its general plan housing element, and makes the self-certified cities and counties eligible for specified state housing funds in the same manner as other jurisdictions. This bill, until an unspecified date, would provide procedures whereby a city or county may elect to participate in alternative production-based certification of its housing element and would make those cities and counties eligible for specified state housing funds in the same manner as other jurisdictions.
Status: In Asm. Appropriations. Hearing postponed by committee. (last activity 5/05/04)
- SB 178
Torlakson *Land Use*
Assembly Bill 1426 of the 2003-04 Regular Session would require, until January 1, 2011, except as

specified, every city and every county within the greater Sacramento region, as defined, that issues building permits for residential units to require or otherwise cause at least 5% of the aggregate amount of these new residential units to be affordable to, and occupied by, very low income households, and at least 5% of the aggregate amount of these new residential units to be affordable to, and occupied by, low-income households, as specified. This bill would specify that these provisions are not operative until a plan to finance them is enacted.

Status: Re-referred to Asm. Com. on Rules. (last activity 8/18/04)

SB 492
Ducheny

Housing: funds

The existing Housing and Emergency Shelter Trust Fund Act of 2002 prescribes the allocation of bond money deposited in the Housing and Emergency Shelter Trust Fund by, among other agencies, the Department of Housing and Community Development. Existing law authorizes any city or county within the jurisdiction of the San Diego Association of Governments, until June 30, 2009, to self-certify its general plan housing element, as prescribed, and makes those cities and counties that are self-certified fully eligible, until January 1, 2010, to participate in any program created by, or receiving funds through, the Housing and Emergency Shelter Trust Fund Act of 2002 in an identical manner and to the same degree as those local jurisdictions deemed in substantial compliance with the requirements relating to housing elements that are reviewed by the department rather than being self-certified. This bill would extend the authority for that self-certification until June 30, 2010.

Status: CHAPTERED (9/09/04)

SB 744
Dunn

Planning: housing

This bill would establish within the Department of Housing and Community Development a Housing Accountability Committee consisting of 5 members, appointed as specified to hear appeals of city, county, or city and county decisions on applications for the construction of housing developments that meet specified affordability requirements.

Status: In Asm. Local Government Com. Hearing postponed by committee. (last activity 6/16/04)

SB 1145
Burton

Tenancy

(1) Until January 1, 2006, existing law requires that if a landlord increases the rent of a month-to-month tenancy in excess of 10% of the amount of the rent charged to a tenant annually, as specified, the landlord shall provide an additional 30 days' notice, for a total of 60 days, prior to the effective date of the increase, except as specified. This bill would delete the sunset date on the above provision, thereby extending that provision indefinitely. (2) Existing law requires that a landlord provide specified statements to a tenant if an initial inspection prior to the termination of a tenancy is requested by the tenant. This bill would modify that list of statements to delete a required statement regarding a claim of security. (3) Existing law authorizes an owner of residential real property to establish the initial and subsequent rental rates for a dwelling or unit, upon specified circumstances. This bill would make nonsubstantive, technical changes to those provisions. (4) In a summary proceeding for the possession of real property, existing law prohibits a court clerk from providing access to the court file, index, register of actions, and other court records if the defendant prevails in the action within 60 days after the complaint is filed. This bill would permit a court clerk to provide access to those records to specified persons, including, but not limited to, a party to the action, or pursuant to a court order upon a showing of good cause. (5) Any public entity that has in effect any system of rent control is authorized to subject to specified provisions, accommodations that had been withdrawn from rent or lease and are again offered for rent or lease, as specified. This bill would make a nonsubstantive, technical change to a related provision. (6) The Fair Employment and Housing Act prohibits housing discrimination on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability. Until January 1, 2005, the act also prohibits discrimination on the basis of a person's source of income, the failure to account for the aggregate income of coresidents, or the failure to exclude a government rent subsidy from that portion of the rent to be paid by the tenant in assessing his or her eligibility for rental housing. This bill would delete the sunset date on the above provision, thereby extending that provision indefinitely.

Status: CHAPTERED (9/17/04)

- SB 1188 *Farmworker housing*
Chesbro Existing law establishes, among other housing programs, the Workforce Housing Reward Program administered by the Department of Housing and Community Development to provide local assistance for the construction or acquisition of capital assets to cities, counties, and cities and counties that provide land use approval to affordable housing developments, as specified. This bill would require the department to provide the local assistance pursuant to the above described program to cities, counties, or cities and counties that provide land use approval to employee housing, as defined.
Status: In Sen. Appropriations. Held in committee and under submission. (last activity 3/11/04)
- SB 1328 *Housing: tenants: notices*
Torlakson (1) Existing law, until January 1, 2011, requires, prior to the anticipated date of the termination of a subsidy contract, expiration of rental restrictions, or prepayment on an assisted housing development, as defined, that the owner proposing the termination, as defined, or prepayment of governmental assistance or the owner of an assisted housing development, as defined, in which there will be the expiration of rental restrictions provide a notice of the proposed change to each affected tenant household residing in the assisted housing development and to the affected public entities. Those defined terms are limited to certain federal subsidy programs. This bill would include additional state, local, or private subsidy programs within the definitions of "assisted housing development," "prepayment," and "termination" and would define "low or moderate income" and "very low income" for those purposes. The bill would also require the notice to contain additional specified information. (2) Existing law provides that an owner of an assisted housing development shall not sell, or otherwise dispose of, the development in a manner that would result in either (a) a discontinuance of its use as an assisted housing development, or (b) the termination or expiration of any low-income use restrictions that apply to the development, unless the owner or its agent shall first have provided specified entities an opportunity to submit an offer to purchase the development. This bill would delete the conditions specified in (a) and (b), above, thereby extending the prohibition to all assisted housing developments. The bill would limit the prohibition to the sale or disposal of the housing development within a specified 5-year period.
Status: **CHAPTERED** (7/06/04)
- SB 1595 *State Housing Investment Trust Act of 2004*
Ducheny Existing law establishes various programs to provide financial assistance for housing. This bill would enact the State Housing Investment Trust Fund Act of 2004 which, if adopted, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law for the purpose of financing new construction and rehabilitation of housing developments affordable to low- and very low income individuals and families. The bill would provide for submission of the bond act to the voters at the next statewide election in accordance with specified law.
Status: Referred to Senate Com. on H. & C.D. (last activity 3/4/04)
- SB 1702 *Housing tax credits*
Battin Existing law establishes the California Tax Credit Allocation Committee as the state agency responsible for allocating housing tax credits for purposes of federal law, and requires the Department of Housing and Community Development to determine the regional share of the statewide housing need in connection with the adoption of the housing element of a city or county general plan. This bill would require the committee to allocate the available housing credit to each county in proportion to the need identified by the department in its determination of the regional share of the statewide housing need. The bill would require the committee to adopt regulations to implement this requirement.
Status: Referred to Senate Com. on H. & C.D. (last activity 3/11/04)
- SB 1777 *California Statewide Housing Plan*
Ducheny (1) Existing law authorizes a council of governments to charge a fee to local governments to cover the projected reasonable, actual costs of the council in distributing regional housing needs. A city, county, or city and county may charge a fee to support the work of the planning agency and to

reimburse it for the cost of any fee charged by the council of governments. This bill would instead authorize the city, county, or city and county to charge a fee not to exceed the amount charged in the aggregate to the city, county, or city and county by the council of governments. (2) The existing Employee Housing Act deems employee housing providing accommodations for 12 or fewer employees an agricultural land use for designated purposes. This bill, instead, would deem employee housing consisting of no more than 12 beds in a group quarters or 12 units or spaces designed for use by a single family or household, an agricultural land use for those designated purposes. (3) Existing law requires the California Statewide Housing Plan to include housing development goals for the fiscal year the plan is revised and projected 4 additional fiscal years ahead, as well as goals for the provision of housing assistance for the fiscal year the plan is revised and projected 4 additional fiscal years ahead. This bill would, instead, require the plan to include a description of the statewide need for housing development for the year the plan is revised and projected 4 additional years ahead and would revise the housing assistance goals requirement, as specified.

Status: CHAPTERED (9/27/04)

SB 1818
Ducheny

Density bonuses

The Planning and Zoning Law requires, when a developer of housing proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus or other incentives or concessions for the production of lower income housing units within the development if the developer meets certain requirements, including a requirement that the applicant agree or propose to construct a specified percentage of the total units for specified income households or qualifying residents. Existing law also requires an additional density bonus or additional concession or incentive to be granted to a developer of housing that meets those requirements and includes a child care facility, as defined, subject to specified conditions. Existing law prohibits the legislative body from establishing fees to support the work of the planning agency that exceed the reasonable cost of providing the service for which the fee is charged. This bill would revise the above-described provision to, among other things, require, when a developer seeks a density bonus for a housing development within, or for the donation of land within, the jurisdiction of the local government, that the local government provide a density bonus or other incentives or concessions for the production of housing units and child care facilities, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program.

Status: CHAPTERED (9/30/04)

Safety

- AB 50
Koretz *.50 Caliber BMG rifles*
Existing law makes it an offense for any person to commit an assault upon the person of another with a machinegun or an assault weapon. Existing law also makes it an offense for any person to commit an assault upon the person of a peace officer or firefighter, as specified, with a machinegun or assault weapon. This bill would expand each of these offenses to include an assault with a .50 BMG rifle, as defined. This bill would include tracking the possession and ownership of .50 BMG rifles in the Prohibited Armed Persons File database, as specified. Existing law makes it an offense, subject to certain exceptions, for any person to manufacture or cause to be manufactured, import into this state, transport, distribute, keep for sale, offer or expose for sale, give, lend, or possess an assault weapon, as specified, and provides a sentence enhancement for anyone who transfers, lends, sells, or gives an assault weapon to a minor, as specified. This bill would extend those provisions to include a .50 BMG rifle. Existing law provides a scheme for registration and issuance of permits in connection with assault weapons. This bill would establish similar provisions for the registration and issuance of permits in connection with .50 BMG rifles. Existing law provides that persons may arrange to relinquish an assault weapon to a police or sheriff's department. This bill would similarly permit persons to arrange to relinquish a .50 BMG rifle to a police or sheriff's department.
Status: CHAPTERED (9/13/04)
- AB 201
Samuelian *Firearms*
This bill would exempt an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or active reserve components of the United States from having to obtain a handgun safety certificate in order to purchase a handgun, and requires a dealer to provide persons exempted with a copy of the Handgun Safety Certificate Handbook.
Status: From Assembly Com. on Pub. S. without further action pursuant to Joint Rule 62(a). (last activity 2/2/04)
- AB 336
Parra *Handgun safety certificates*
Existing law, subject to exceptions, generally requires that purchasers and other transferees of handguns possess a valid handgun safety certificate in order to complete a firearm purchase or transfer. Existing law provides that a handgun safety certificate expires 5 years from the date of issuance. This bill would delete the expiration provisions relative to issuance of a handgun safety certificate.
Status: From Assembly Com. on Pub. S. without further action pursuant to Joint Rule 62(a). (last activity 1/8/04)
- AB 1026
Levine *Vehicles: driving-under-the-influence: penalties*
(1) Under existing law, it is a crime for a person who has 0.08% or more, by weight, of alcohol in his or her blood to drive a vehicle. Under existing law, it is a different crime for a person, while having that amount of alcohol in his or her blood, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver. Existing law requires a court to impose sanctions for a conviction of one of these driving-under-the-influence (DUI) offenses. Existing law imposes increasing sanctions on persons who have previously been convicted of one or more DUI offenses that were committed within 7 or 10 years, as applicable, of the commission of the current DUI offense. This bill would make it a crime for a person who commits a subsequent DUI offense, within 7 or 10 years, as applicable, of a previous DUI offense for which the person was convicted, to drive a vehicle with 0.04% or more, by weight, of alcohol in his or her blood, or, while having that amount of alcohol in his or her blood, to drive a vehicle and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver. By changing the definition of a crime, the bill would impose a state-mandated local program. (2) Existing law requires a court to consider a concentration of alcohol in the person's blood of 0.20% or more, by weight, or the refusal of the person to take a chemical test as a special factor that may justify enhancing the penalties in sentencing, in determining whether to grant probation, and, if probation is granted, in determining

additional or enhanced terms and conditions of probation, when a person is convicted of violating specified DUI provisions. This bill would decrease the required blood-alcohol concentration from 0.20% to 0.15%.

Status: In Senate Com. on Pub. S. Hearing canceled at the request of author. (last activity 6/29/03)

AB 1135
Spitzer

Immunity: rides: intoxicated passengers

Existing law provides immunity from civil liability for injury or death to a person caused by the acts or omissions of certain persons or entities, as specified. This bill would provide comparable immunity to any person or organization that provides vehicular rides to intoxicated persons for any injury to, or death of, an intoxicated passenger resulting from any ride thereof, if that passenger contributed to the cause of the injury or death by a percentage of fault of more than 50%, so long as the driver of the vehicle in which that passenger was riding is not found to have been in violation of Vehicle Code provisions prohibiting driving under the influence of any alcoholic beverage or drug.

Status: From Assembly Com. on Jud. without further action pursuant to Joint Rule 62(a). (last activity 2/2/04)

AB 1232
Lowenthal

Firearms: Conforming cross references to the Code of Federal Regulations

Existing law generally regulates firearms. Existing law contains cross-references to federal regulations for definitional and other purposes. This bill would conform existing cross-references to the Federal Code of Regulations in those provisions to reflect the recent renumbering of certain sections of those federal regulations.

Status: CHAPTERED (8/23/04)

AB 1315
Parra

Firearms: prohibitions: juvenile offenders

Existing law prohibits juveniles convicted of specified offenses from owning, possessing, or having under their custody or control, any firearm until the age of 30 years. This bill would instead provide that the prohibition is until the age of 30 years, or 10 years from release from custody or control of the juvenile court for commission of a specified offense, whichever date is later. The bill would also require the juvenile court to report the date of release to the Department of Justice.

Status: In Senate Com. on Pub. S. Failed passage. Reconsideration granted. (last activity 7/1/03)

AB 1813
Cohn

Domestic violence: presence of minors: enhancements

Existing law proscribes specified acts of domestic violence, as defined. This bill would provide that a person convicted of the commission of felony domestic violence in the presence of any child under 18 years of age shall receive an enhancement of one year in the state prison. The bill would also provide that a person convicted of the commission of misdemeanor domestic violence in the presence of any child under 18 years of age shall receive a mandatory jail term of at least 90 days for the offense. For a misdemeanor domestic violence offense with an existing mandatory minimum term, that term would be increased by 90 days, as specified. Furthermore, the bill would provide that a person convicted of inflicting great bodily injury, as defined, on any victim of felony domestic violence committed in the presence of any child under 18 years of age shall receive an enhancement of 2 years in the state prison.

Status: In Assembly Com. on Pub. S. Hearing canceled at the request of author. (last activity 3/30/04)

AB 1861
Maze

Vehicles: driving-under-the-influence (DUI): repeat offenders

If a person is convicted of a violation of one of specified DUI offenses and the offense was a second or subsequent DUI offense, existing law requires the court for any term of imprisonment that is imposed, to include at least one period of not less than 48 consecutive hours of imprisonment, or, in the alternative, that the person serve at least 10 days of community service. This bill would require the court also to order the person to contact a newspaper of general circulation in the county where the offense occurred, as specified, and pay for that newspaper to publish, at least 3 times a month for 3 months, a public notice stating the person's name and the offense for which he or she was convicted. The bill would provide that publication of a classified advertisement does not fulfill this requirement. By changing the penalty for a crime, the bill would impose a state-mandated local

program.

Status: Re-referred Assembly Com. on Pub. S. (last activity 4/12/04)

AB 1864
Negrete
McLeod

BB guns: prohibition

Existing law provides that any person who brings or possesses within any state or local public building, or at any meeting required to be open to the public, any of certain specified weapons is guilty of a public offense punishable by imprisonment in a county jail for not more than one year, or in the state prison. Existing law includes among the specified prohibited weapons, any instrument that expels a metallic projectile, such as a BB or pellet, as specified. This bill would expand the list of prohibited weapons to include any instrument that expels, as specified, any projectile, such as a BB or pellet. Existing law provides that, except for certain specified persons, any person who brings or possesses any of certain prohibited weapons upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison. Existing law includes among the specified prohibited weapons any instrument that expels a metallic projectile, such as a BB or pellet, as specified. This bill would expand the list of prohibited weapons to include any instrument that expels, as specified, any projectile, such as a BB or pellet.

Status: In Sen. Appropriations. Hearing canceled at the request of author. (last activity 8/12/04)

AB 1938
Maze

Driving under the influence: sanctions

Existing law requires a court to consider a concentration of alcohol in the person's blood of 0.20% or more, by weight, or the refusal of the person to take a chemical test, as a special factor that may justify requiring the installation of a certified ignition interlock device for a first-time offense, enhancing the penalties in sentencing, in determining whether to grant probation, and, if probation is granted, in determining additional or enhanced terms and conditions of probation, when a person is convicted of violating specified driving-under-the-influence provisions (DUI). This bill would require if a person is convicted of a DUI offense, and the concentration of alcohol in the person's blood is 0.20% or more, by weight, or the person refuses to take a chemical test, the court to require the person to attend a victim impact panel presentation, as specified.

Status: In Assembly Com. on Pub. S. Failed passage. (last activity 4/20/04)

AB 1954
Vargas

School safety plans

Existing law makes a school district and a county office of education responsible for the overall development of all comprehensive school safety plans for school operating kindergarten or any of grades 1 to 12, inclusive. A school safety plan is required to include routine and emergency disaster procedures. This bill would require the routine and emergency disaster procedures to include a uniform lock down plan approved by the local law enforcement agency and would require a school district to ensure that school administrators conduct regular lock down drills for school personnel and pupils with law enforcement and other emergency responders.

Status: In Assembly Com. on Ed. Held under submission. (last activity 5/19/04)

AB 2010
Hancock

Alameda County: domestic violence

Existing law provides for county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license is issued may be collected by the county clerks for deposit into these funds. Existing law requires the collection of fees for certified copies of fetal death or death records and marriage or birth certificates. Existing law authorizes the board of supervisors of a county that has established a county children's trust fund to increase the fee for a certified copy of a birth certificate for purposes of the fund. Existing law, the Contra Costa County "Zero Tolerance for Domestic Violence" Act, authorizes the Board of Supervisors of Contra Costa County, until 2007, to increase fees, up to a maximum increase of \$2, for certified copies of marriage certificates, birth certificates, fetal death records, and death records, for the purposes of providing funding for governmental oversight and for the coordination of domestic violence prevention, intervention, and prosecution efforts in the county. The Contra Costa County Board of Supervisors is required to submit a report to the Assembly Judiciary Committee and the Senate Judiciary Committee, by July 1, 2006, regarding the receipt of these fees, the expenditure

of these funds, and the outcomes achieved as a result of certain activities. This bill would authorize the Boards of Supervisors of Alameda and Solano Counties to make similar fee increases, until January 1, 2010. The bill would require the board, by July 1, 2009, to submit a report on funds received and expended in connection with the fee increases, and the outcome of activities associated with the act, to the Assembly Judiciary Committee and the Senate Judiciary Committee. This bill would make legislative findings regarding the need for special legislation.

Status: CHAPTERED (9/28/04)

AB 2133
Oropeza

Entertainment: emergency exits

Existing law requires the State Fire Marshal to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in, among other things, any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education. This bill would require that any person, as specified, that owns, rents, leases, or manages a facility, as defined, that charges admission to a performance of live entertainment make an announcement of the availability of emergency exits prior to the beginning of the live entertainment

Status: Re-referred to Com. on Pub. S. (last activity 4/28/04)

AB 2173
Parra

Driving under the influence: statement

Under existing law, it is unlawful for a person who is under the influence of an alcoholic beverage or drug, or under the combined influence of an alcoholic beverage and drug, who has 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of a drug, to drive a vehicle (DUI). Existing law imposes various sanctions on persons convicted of a DUI offense. This bill would require a court to provide a person convicted of a reckless driving offense, as specified, or a DUI offense with a specified advisory statement. The bill would allow the advisory statement to be included in a plea form, if used, or would allow the fact that the advice was given to be specified on the record. This bill would require the court to include on the abstract of the conviction or violation submitted to the Department of Motor Vehicles that the person has been so advised.

Status: CHAPTERED (9/14/04)

AB 2263
Dutton

Education: health instruction

Existing law establishes the required courses of study for grades 1 to 12, inclusive, which includes instruction in various public health and safety issues. This bill would specify that public health and safety instruction may include safe storage and accident prevention techniques for persons who encounter a firearm, provided a firearm is not used for those instructional purposes

Status: Re-referred to Assembly Com. on Ed. (last activity 4/16/04))

AB 2308
Richman

Firearms

Existing law generally makes it an offense for persons who are felons, persons addicted to the use of any narcotic drugs, or persons convicted of other specified offenses to own, purchase, receive, or have possession of a firearm, as specified. This bill would, in addition, expand the offense to include an attempt to purchase or receive a firearm, as defined, by those persons.

Status: In Assembly Com. on Pub. S. Hearing canceled at the request of author. (last activity 4/20/04)

AB 2431
Steinberg

Firearms

This bill would add requirements to the procedure for persons to obtain or dispose of their firearms that are in the custody of a law enforcement agency or court. The bill would require the person to make application to the Department of Justice for a determination that the person is eligible to possess a firearm. The bill would provide that knowingly omitting required information or furnishing fictitious information in connection with the application would be a misdemeanor. The bill would require law enforcement agencies to determine if a firearm to be returned is stolen. The bill would prohibit release of a firearm to an applicant by a law enforcement agency or court entity unless certain criteria are met. The bill would require certain information regarding the applicant and certain firearms be maintained by the Department of Justice in the Automated Firearms System, as

specified. The bill would authorize the Department of Justice to charge a fee of \$20 for firearms eligibility processing, and a fee of \$3 for each additional handgun that is processed, as specified. It would authorize a local government to adopt a regulation, ordinance, or resolution setting fees to cover the costs of the seizure, storage, and return of a firearm to a licensed dealer or owner, as specified. The bill would make other conforming changes.

Status: CHAPTERED (9/20/04)

AB 2485
Chan

Schools: environmental and endangerment assessments

The existing Leroy F. Greene School Facilities Act of 1998 (Greene Act of 1998) makes funding available to eligible school districts for various purposes related to school facilities. Existing law establishes, as a condition of the receipt of state funding under the Greene Act of 1998, that the governing board of a school district comply with prescribed provisions relating to an environmental or endangerment assessment of a proposed schoolsite prior to acquisition of the site. The evaluation of a proposed schoolsite is required to include the location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project. The governing board of a school district may not approve a project involving the acquisition of a schoolsite unless it determines the property does not contain a pipeline, situated underground or aboveground, that carries hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood. The governing board of a school district is required to undertake steps to identify any permitted or nonpermitted facility, including railyards, that are within 1/4 of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or acutely hazardous materials, substances, or waste. This bill would authorize the governing board of a school district to make a written request to any person, corporation, public utility, local publicly owned utility, or governmental agency for information necessary or useful to make an assessment of a proposed schoolsite or an addition to an existing schoolsite, pursuant to these provisions. The bill would require any person, corporation, public utility, local publicly owned utility, or governmental agency receiving a written request for information to provide a written response within 30 calendar days of receipt of the request or within any additional grant of time given by the governing board of the school district. The bill would authorize a school district to bring a complaint before the appropriate regulatory agency or legislative body for a violation of these reporting requirements.

Status: CHAPTERED (9/18/04)

AB 2501
Jerome
Horton

Firearm

Existing law, subject to exceptions, provides that a person is guilty of carrying a loaded firearm when he or she carries a loaded firearm on his or her person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory. This bill would in addition, create a new crime of illegally carrying a handgun, as specified.

Status: In Assembly Com. on Pub. S. Failed passage. (last activity 4/20/04)

AB 2828
Cohn

Firearms

Existing law, subject to exceptions, makes it a crime to carry a concealed handgun in a vehicle, as specified. This bill would recast those provisions and change the description of the crime to unlawful carrying of a handgun, as specified. This bill would make it a crime to carry a handgun in a vehicle, subject to exceptions, regardless of whether the handgun was concealed. This bill would also provide additional exceptions to the provisions establishing the crime. Existing law authorizes the sheriff of a county, and the chief or other head of a municipal police department to issue a license to carry concealed, a handgun, as specified. This bill would additionally authorize those local entities to issue a license to carry unloaded and exposed, a handgun, as specified.

Status: In Assembly Com. on Pub. S. Failed passage. (last activity 4/20/04)

AB 2844
La Suer

Motorcycle: handlebars

Existing law prohibits a person from driving a 2-wheel motorcycle that is equipped with handlebars

so positioned that the hands of the driver, when upon the grips, are at or above his or her shoulder height when sitting astride the seat. This bill would instead, prohibit a person from driving a 2-wheel motorcycle that is equipped with handlebars so positioned that the hands of the driver, when upon the grips, are more than 6 inches above his or her shoulder height.

Status: CHAPTERED (8/23/04)

SB 435

Firearms: concealed handgun licenses

Knight

Existing law authorizes the sheriff of a county, or the chief of a municipal police department, to issue a license to carry a concealed handgun upon a showing of good moral character, good cause, and satisfaction of other conditions, as specified, including evidence of specified training. This bill would clarify certain procedures used by the licensing authority when processing the application for a license to carry a concealed handgun, and clarify when certain fees are to be paid in connection with processing the application.

Status: In Assembly Com. on Pub. S. Hearing canceled at the request of author. (last activity 7/1/03)

SB 914

State Department of Health Services: domestic violence prevention grant program

Bowen

The Office of Criminal Justice Planning was abolished in 2003. Existing law requires the Director of Finance to designate an agency or agencies to carry out the functions of the office. The Office of Criminal Justice Planning formerly administered certain grant programs relating to victims of domestic violence and sex offenses. This bill would state the intent of the Legislature that victims' services programs that were administered by the Office of Criminal Justice Planning be temporarily redirected to the Office of Emergency Services, and that certain programs involving domestic violence and sexual assault be permanently consolidated in one office, branch, or department. The bill would revise the administration of certain grant programs relating to victims of domestic violence and sex offenses as collaboratively administered by the Office of Emergency Services and specified advisory committees.

Status: CHAPTERED (9/28/04)

SB 1140

Firearms: minors

Scott

Existing law defines "loaded firearm." Existing law provides that a person commits the crime of "criminal storage of a firearm" if, among other things, he or she keeps any loaded firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or injury, as specified. This bill would remove from the crime of "criminal storage of a firearm" the requirement that the child gain access to the firearm without the permission of the child's parent or legal guardian. Because this bill would expand the definition of an existing crime, it would impose a state-mandated local program.

Status: VETOED (9/20/04)

SB 1152

Ammunition

Scott

Under existing law, it is a misdemeanor to sell ammunition to a person knowing that the person is under 18 years of age, but reliance upon evidence of identity is a defense. This bill would instead provide that it is a misdemeanor to sell ammunition to a person under 18 years of age, but would provide that reasonable reliance upon evidence of identity would be a defense. Existing law generally regulates the sale of ammunition. The bill would also require any person engaged in the retail sale of handgun ammunition, as defined, to record the date, the name, address, and date of birth of the transferee, a thumbprint, and other specified information concerning the transaction, and to make the information available to peace officers, except as specified. A violation of these provisions would be a misdemeanor.

Status: VETOED (8/23/04)

SB 1177

School safety plans

Scott

Existing law encourages a schoolsite council to consider including certain components in its school safety plan when it next reviews and updates its school safety plan. One of these components is the

inclusion of a no guns allowed policy. This bill would additionally encourage a schoolsite council to consider including, when it next reviews and updates its school safety plan, gun violence prevention in health education programs in high schools.

Status: VETOED (7/19/04)

SB 1391
Romero

Domestic violence

Existing law provides that a person subject to a protective order, shall not own, possess, purchase, or receive a firearm while that protective order is in effect. Existing law provides that the Judicial Council shall provide a notice on all forms requesting a protective order that the respondent shall be required to relinquish possession or control of any firearms at the hearing for a protective order. Existing law provides that if the respondent is present in court at a duly noticed hearing, the court shall order the respondent to relinquish any firearm in that person's immediate possession or control, as specified, and if the respondent is not present at the hearing, the respondent shall relinquish the firearm within 48 hours after being served with the order. This bill would clarify these provisions by providing that the Judicial Council shall include a notice on all forms providing notice that a protective order has been requested or granted that the respondent shall be required to relinquish possession or control of any firearms upon service of the protective order. (there are other provisions of this bill related solely to the City of Los Angeles)

Status: CHAPTERED (8/23/04)

SB 1429
Denham

Traffic collision: fatality: testing

Under existing law, a person who drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood or breath for the purpose of determining the alcoholic content of his or her blood, if lawfully arrested for any driving under the influence offense allegedly committed in violation of the statutes. This bill would extend the implied consent testing requirement to a person who, while driving, is at fault in causing a traffic collision that is the proximate cause of a fatality. The bill would also require a peace officer, if a person is so involved in a collision and refuses to take the test, to serve a notice of an order suspending or revoking the person's privilege to operate a motor vehicle.

Status: Asm. Appropriations. Held in committee and under submission. (last activity 8/12/04)

SB 1441
Kuehl

Domestic violence: victims

Existing law sets forth certain rights of victims of, and witnesses to, crime. Existing law provides that the victim of sexual assault or spousal rape has the right to have advocates present at any evidentiary, medical, or physical examination or interview by law enforcement authorities or defense attorneys, as specified. This bill would provide that a victim of domestic violence or abuse has the right to have a domestic violence counselor and a support person of his or her choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys, as specified, and shall be notified orally or in writing by the attending law enforcement authority or district attorney of that right prior to the commencement of an initial interview.

Status: CHAPTERED (7/16/04)

SB 1461
Machado

Driving under the influence

Under existing law, it is unlawful for a person who is under the influence of any alcoholic beverage or drug, or under the combined influence of an alcoholic beverage and drug, who has 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of any drug to drive a vehicle. Existing law also makes it unlawful to drive under the influence and cause bodily injury to another person. This bill would require a court to double the base amount of the fine that otherwise is prescribed, not including penalty assessments or other fees or additions, would enhance the term of imprisonment, whether or not probation is granted, and would prohibit staying the imprisonment, when a person is convicted of either of the 2 above-described driving-under-the-influence offenses and the offense occurs within a described school zone.

Status: In Senate Com. on Pub. S. Failed passage. (last activity 4/20/04)

SB 1533
Bowen

Office of Victim Services

The Office of Criminal Justice Planning was abolished in 2003. The Office of Criminal Justice

Planning formerly administered certain grant programs relating to victims of domestic violence and sex offenses. Existing law requires the Director of Finance to designate an agency or agencies to carry out the functions of the former Office of Criminal Justice Planning. This bill would establish the Office of Victim Services in order to consolidate and take over administration of those victims' services programs that were formerly administered by the Office of Criminal Justice Planning and later by the Office of Emergency Services. The bill would revise the administration of certain grant programs relating to victims of domestic violence and sex offenses as administered by the Office of Victim Services.

Status: In Asm. Public Safety Com. Hearing canceled at the request of author. (last activity 6/22/04)

SB 1694
Torlakson

Driving under the influence: sanction

Under existing law, it is unlawful to drive a motor vehicle while under the influence of alcohol, a drug, or both, or 0.08% or more, by weight, of alcohol in one's blood, or while addicted to the use of a drug. There is another crime of driving under the influence of alcohol, a drug, or both, or with 0.08% or more, by weight, alcohol in one's blood, and causing injury to another person. Under existing law, for violations of each of these offenses, commonly known as driving under the influence and driving under the influence causing injury, respectively, (DUI) a court may impose sanctions, as specified. Existing law imposes increased sanctions on persons who have previously been convicted of DUI offenses within 7 years of the commission of the current offense. This bill would substitute a 10-year condition for the 7-year condition as a condition to imposing the increased sanctions on repeat offenders and would make conforming changes. Because this would thereby increase the level of service on local law enforcement agencies, this bill would impose a state-mandated local program. This bill would require a court to order a person who has previously been convicted of either a DUI offense that occurred over 10 years ago or disorderly conduct based on being found in a public place under the influence of alcohol or drugs, and who is currently convicted of a DUI offense to attend and complete that program.

Status: CHAPTERED (9/16/04)

SB 1695
Torlakson

Alcohol and drug problem assessment program

Existing law requires a court to order a person to participate in an alcohol and drug problem assessment program, if the person is convicted of a violation of driving-under-the-influence offense that occurred within 7 years of a separate conviction of a driving-under-the-influence offense in which the person was required to attend a licensed program pursuant to a court order and the person failed to comply with the rules and policies of the licensed program, other than a rule relating to the payment of fees. This bill would impose the above required court order based solely on the person being convicted of a violation of driving-under-the-influence offense that occurred within 7 years of a separate violation of a driving-under-the-influence offense that resulted in a conviction, and would remove the requirement that the person had previously been court-ordered to attend a licensed program and had failed to comply with the program's rules and policies.

Status: Placed on inactive file on request of Assembly Member Calderon. (last activity 8/27/04)

SB 1696
Torlakson

Vehicles: driving under the influence: license restriction

Existing law requires the Department of Motor Vehicles to immediately suspend, revoke, or record the court-administered suspension or revocation of, the privilege of any person to operate a motor vehicle upon receipt of an abstract of the record of any court showing that the person has been convicted of specified provisions prohibiting driving under the influence (DUI). Existing law prohibits the reinstatement of that privilege until the person gives proof of financial responsibility and proof satisfactory to the department of successful completion of a driving-under-the-influence program, as specified. This bill would prohibit the reinstatement of the person's driving privilege until the proof satisfactory to the department of successful completion of the driving-under-the-influence program has been received in the department's headquarters.

Status: CHAPTERED (9/09/04)

SB 1697
Torlakson

Vehicles: driving under the influence: driver's license sanctions

(1) Existing law requires the Department of Motor Vehicles to suspend the driver's license of any

person arrested for driving under the influence (DUI). The department, under certain circumstances, is also required to suspend, restrict, or revoke the driver's license of any person convicted of DUI. A court is authorized to order, as a condition of probation for a conviction of DUI, that the defendant's driver's license be restricted, as specified. This bill would consolidate the driver's license suspension, restriction, and revocation functions for DUI arrests and convictions under the department, as revised. The bill would authorize the court to disallow the issuance of a restricted license if the court determines that a person would present a traffic safety or public safety risk if allowed to operate a motor vehicle during a suspension period. The bill would require the court to advise a person convicted of a DUI offense at the time of sentencing that the driving privilege may not be restored until the person provides proof satisfactory to the department of successful completion of a driving-under-the-influence program of the appropriate length required by law, which is based on the blood-alcohol concentration and number of prior DUI convictions. (2) Existing law requires a person ordered to attend a DUI program as a condition of probation under certain provisions to apply to the court or to a board of review, as designated by the court, at the conclusion of the program to obtain the court's order of satisfaction. The program is prohibited from issuing its certificate of successful completion and reporting the completion to the department until the court has granted the order of satisfaction. A failure to obtain an order of satisfaction at the conclusion of the DUI program is a violation of probation. This bill would delete the requirement that the person obtain the court's order of satisfaction at the conclusion of the DUI program.

Status: CHAPTERED (9/16/04)

SB 1698
Torlakson

Emergency response liability

Existing law provides that any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, a boat or vessel, or a civil aircraft, caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate response, is liable for the expense of an emergency response by a public agency to the incident. This bill would define emergency response for the purposes of these provisions.

Status: In Senate Com. on Pub. S. Failed passage. (last activity 4/20/04)

SB 1733
Speier

Firearms: Sales at the Cow Palace

Existing law generally regulates the transfer of firearms. This bill would prohibit the sale of firearms and ammunition at the Cow Palace.

Status: Placed on inactive file on request of Assembly Member Mullin. (last activity 8/26/04)

Transportation

- AB 392
Montanez *Environmental justice and community-based transportation planning grants*
Existing law states that it is the intent of the Legislature to allocate \$10,000,000 annually to the Environmental Enhancement and Mitigation Program Fund. Under these provisions, local, state, and federal agencies and nonprofit entities may apply for and receive grants for environmental enhancement and mitigation projects related to the environmental impact of modifying existing transportation facilities or for the design, construction, or expansion of new transportation facilities. This bill would create the Environmental Justice Subaccount and the Community-Based Transportation Planning Subaccount in the State Highway Account, which would be funded from funds transferred to the subaccounts from the local assistance program of the State Highway Account. Under the bill, local agencies, nonprofit entities, metropolitan planning organizations, regional transportation organizations, Native American tribal governments, community-based organizations, public universities, local transportation commissions, port authorities, airport commissions, and similar entities would be authorized to apply for and receive grants from funds appropriated for these purposes, not to exceed \$300,000 for any single grant, to undertake environmental justice projects and community-based transportation planning projects meeting specified requirements. The bill would require the Department of Transportation to develop procedures and criteria for submission of projects, which the department would be required to make available to the public, and to evaluate proposals and prepare a list of proposals recommended for funding.
Status: Read second time, amended, and re-referred to Senate Com. on Trans. (last activity 6/22/04)
- AB 775
Parra *Highways: federal funding of safety projects*
(1) Existing federal law provides funding for a number of programs related to projects for the improvement of highway safety and the reduction of traffic congestion, including projects for bicycle and pedestrian safety and traffic calming measures in high-hazard locations. Existing state law authorizes, until January 1, 2005, certain state and local entities to secure and expend the federal funds for these purposes. This bill would change the January 1, 2005, repeal date to January 1, 2008, after which time the federal transportation funds received by the state would be spent for highway purposes other than projects for bicycle and pedestrian safety and traffic calming measures in high-hazard locations. (2) Existing law requires until January 1, 2005, the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a "Safe Routes to School" construction program pursuant to federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Under existing law, the Department of Transportation was required to study the effectiveness of the program and to, on or before December 31, 2003, submit a report to the Legislature. Existing law also requires the department to submit an annual report to the Legislature listing and describing projects funded under the program. This bill would extend the operation of these provisions to January 1, 2008. The bill would also require the department to continue studying the program and to report its findings to the Legislature on or before March 1, 2007.
Status: In Senate Com. on Trans. Hearing postponed by committee. (last activity 6/15/04)
- AB 2372
Correa *State transportation improvement program: county shares*
Existing law requires the California Transportation Commission to program interregional and regional transportation capital improvement projects through the State Transportation Improvement Program process, consistent with estimated available funding. Existing law requires regional improvement projects nominated by regional agencies to be programmed by the commission pursuant to certain formulas, known as the north-south split and county shares. Existing law requires the commission to calculate each county's share of these funds for each 4-year county share period, and to carry forward a county's share shortfall or surplus to the following 4-year county share period. Existing law also authorizes the commission, under certain conditions, to advance project programming in a county from future county share periods, or to reserve funds in a future county share period in lieu of current programming. This bill would require a regional agency requesting a reserve of funds in a future county share period to identify the year in which a project will be

programmed.

Status: In Assembly Com. on Trans. Hearing canceled at the request of author. (last activity 4/26/04)

AB 2471
Longville

Transit service: housing developments

Existing law provides various sources of funding for the operation of transit services. This bill would require the Office of the Legislative Analyst to conduct a study of costs to transit operators of providing transit service to new housing developments of more than 150 units. The bill would also require the office to estimate the costs to local governments of accommodating an auto-oriented environment in these housing developments.

Status: In Asm. Trans. Com. Hearing canceled at the request of author. (last activity 4/26/04)

AB 2741
Salinas

Metropolitan Transportation Commission

Existing law, the Metropolitan Transportation Commission Act, creates the Metropolitan Transportation Commission to provide comprehensive regional transportation planning for the region composed of specified counties within the San Francisco Bay area. Under existing law, the commission consists of 19 members, including 2 members each from the Counties of Alameda and Santa Clara. This bill would increase the membership of the commission to 21 by increasing the number of members from the Counties of Alameda and Santa Clara to 3.

Status: In Asm. Local Government Com. Hearing canceled at the request of author. (last activity 4/21/04)

AB 2817
Salinas

Transportation commissions and authorities

Existing law authorizes the Santa Clara Valley Transportation Authority to establish benefit assessment districts relative to its rail lines. Existing law requires an election to be held regarding the proposal to form a benefit district if certain voters in the boundaries of the proposed benefit district file a petition with the board of directors of the authority within 30 days after the conclusion of a required public hearing, as specified. Existing law requires the board, if it proposes to levy a special benefit assessment on real property in the benefit district, to comply with specified notice, protest, and hearing procedures. Existing law also requires the board to submit the proposition of levying an assessment to those voters of the benefit district pursuant to specified requirements. Existing law authorizes the board to levy the assessment if the proposition is approved by the voters at the election. This bill would delete the provisions requiring an election to form a benefit district and to levy a special benefit assessment. The bill would authorize the board to levy the assessment if there is no majority protest to its imposition. The bill would make various related changes.

Status: **CHAPTERED** (9/21/04)

AB 2908
Wolk

Metropolitan Transportation Commission

Existing law creates the Metropolitan Transportation Commission to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma. Under existing law, the commission consists of 19 members, with 2 members each from the Counties of Alameda and Santa Clara. This bill would increase the commission's membership to 21, and provide for 3 members each from the Counties of Alameda and Santa Clara.

Status: Referred to Asm. Coms. on Trans. And L. Gov. (last activity 3/15/04)

ABX3 1
Benoit

Vehicles: social security account number: driver's license and identification cards

Existing law requires an applicant for the issuance or renewal by the Department of Motor Vehicles of a driver's license or identification card to provide his or her social security account number. Existing law requires an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law, and prohibits the department from issuing a license or card to a person who does not do so. Existing law also requires the department to adopt regulations including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards. Effective January 1, 2004, Chapter 326 of the Statutes of 2003 (SB 60) would, among other things, allow an applicant for a driver's license or identification card, except an applicant for a commercial driver's license, who submits an affidavit, signed under penalty of perjury, attesting that he or she is presently not eligible

for a social security account number, but who submits a federal individual taxpayer identification number or other number or identifier that is deemed appropriate by the department, to submit those documents to the department in lieu of a social security account number, and those documents would be deemed acceptable until the applicant obtains a social security account number. Chapter 326 of the Statutes of 2003 would delete the requirement that an applicant for an original driver's license or identification card submit satisfactory proof that the applicant's presence in the United States is authorized under federal law. This bill would repeal the substantive changes that would be made by Chapter 326 of the Statutes of 2003 and would reinstate the existing law.

Status: Passed Assembly Com. on Trans. (15-0). Referred to Com. on Appr. (last activity 12/1/03)

SB 170 *San Francisco Bay Area Infrastructure Planning*

Torlakson Existing law establishes regional planning entities such as the San Francisco Bay Area Water Transit Authority and the San Francisco Bay Conservation and Development Commission. This bill would state the intent of the Legislature that cities, counties, and regional agencies in the San Francisco Bay Area begin a constructive dialogue about regional infrastructure issues.

Status: Returned to Secretary of Senate pursuant to Joint Rule 56. (last activity 2/2/04)

SB 321 *Infrastructure investment bonds*

Torlakson Existing law establishes within state government the California Infrastructure and Economic Development Bank with a board of directors having specified duties and powers including the authority to issue bonds. This bill would, subject to voter approval, as specified, enact the Invest in California Infrastructure Bond Act to authorize the issuance of \$15,000,000,000 in general obligation bonds and to designate specific state agencies to administer bond funds to support local infrastructure investment.

Status: Returned to Secretary of Senate pursuant to Joint Rule 56. (last activity 2/2/04)

SB 1381 *California Taskforce for Bicycling and Walking*

Kuehl Existing law requires the Department of Transportation to engage in various activities relative to bicycles and other nonmotorized transportation facilities and programs, and provides for a bicycle coordinator within the department who is responsible for bicycle-related activities. Existing law requires the department to submit an annual report to the Legislature regarding programs undertaken for the development of nonmotorized transportation facilities. This bill would require the Director of Transportation to establish a task force, or to utilize any existing task force, committee, or working group, to make recommendations to help ensure that state and local policies enhance bicycling and walking, improve safety, and seek adequate funding for these and related purposes. The bill would require the department to update and maintain a database developed in connection with a statewide rail right-of-way survey and abandoned rail corridors evaluation being conducted by the department. The bill would also require the department to establish, maintain, and implement a policy to ensure full consideration of nonmotorized travelers, to be updated every 5 years, if appropriate. The bill would require the annual report to the Legislature to include documentation of the department's efforts to implement the policy. The bill would also make various findings and declarations.

Status: VETOED (9/15/04)

SB 1701 *Transportation funding*

Karnette This bill would state the Legislature's intent to provide funding to state and local transportation entities to reduce traffic congestion and to improve highway safety.

Status: To Senate Com. on Rls. (last activity 3/11/04)

SB 1759 *Transportation: finance*

Denham Article XIX of the California Constitution requires the revenues from motor vehicle fuel taxes to be used for public streets and highways and specified public mass transit-guideway purposes. Existing law authorizes certain money deposited in the State Highway Account in the State Transportation Fund that is not subject to these constitutional requirements to be used for any transportation purpose authorized by statute, and, not later than November 1 of each year, requires the Controller to transfer these funds to the Public Transportation Account in the State Transportation Fund. This bill would

delete the requirement that these funds in the State Highway Account that are not subject to these constitutional requirements be transferred to the Public Transportation Account. The bill would include money derived from the sale of buildings and other real property within the description of items that may not be subject to the constitutional requirements.

Status: In Sen. Trans. Com. Failed passage. (last activity 4/27/04)