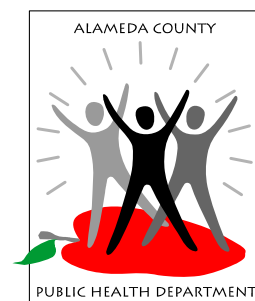


# *Public Health Legislation from the 2005 California Legislative Session*

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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 2005 session of the California State Legislature and is organized by Divisions and the Department's strategic directives (safety, shelter 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](http://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](mailto: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](mailto:Pam.Willow@acgov.org).

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## Community Health Services

- AB 105  
Cohn      *Food labeling: California Choice Seal Program*  
The existing Sherman Food, Drug, and Cosmetic Law provides for the regulation by the State Department of Health Services of the packaging, labeling, and advertising of food, drugs, and cosmetics. This bill would require the department to establish a voluntary food inspection program, to authorize placement of the "California Choice Seal" upon, or in association with, compliant food products, and to assess a fee upon participants to cover the costs of the program. The bill would establish the California Choice Seal Fund for deposit of the fees, to be available for these purposes upon appropriation by the Legislature.  
**Status:** Refer to Com. on Health. Hearing cancelled at the request of author. (last activity 3/08/05)
- AB 173  
Houston      *Liability immunity: food and beverages*  
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. Existing law provides immunity from liability for certain actions and for certain products. This bill would provide immunity from civil liability to a manufacturer, packer, distributor, carrier, holder, marketer, advertiser, or seller of a food or beverage, as defined, or an association of one or more of these entities, for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity from the long-term consumption of the food that results in weight gain or obesity. The bill would except from this immunity a case in which the claim of injury is based on a material violation of a state or federal composition, branding, or labeling standard, and that violation caused the injury claimed, as specified. The bill would apply to all claims filed on the effective date of the act and subsequent claims.  
**Status:** Refer to Com. on Jud. Failed passage. From committee without further action pursuant to Joint Rule 62(a). (last activity 6/20/05)
- AB 178  
Koretz      *California Cigarette Fire Safety Act*  
Existing law requires the State Fire Marshal to adopt regulations that specify standards for the special design of cigarette lighters with respect to safety features that prevent operation of the lighters by children 5 years of age or younger. This bill would prohibit the sale of cigarettes unless the manufacturer of those cigarettes certifies to the State Fire Marshall that the cigarettes have been tested by the manufacturer in accordance with standards established by the American Society of Testing and Materials and no more than 25% of the cigarettes it manufactures exhibit full-length burns when tested. The bill would require cigarette manufacturers to mark packages of cigarettes to be sold in California to show compliance with these provisions and would require manufacturers, distributors, wholesalers, and retailers to permit an employee of the State Board of Equalization to inspect these markings. Failure or refusal to allow an inspection would subject a person to a civil penalty not to exceed \$1,000. The bill would impose specified civil penalties on manufacturers, distributors, wholesalers, retailers, and others who knowingly sell or offer to sell cigarettes in violation of these provisions and on manufacturers that knowingly make false certifications in violation of these provisions. The bill would require these civil penalties to be deposited in the Cigarette Fire Safety and Firefighter Protection Fund, which the bill would create in the State Treasury, and would make moneys in the fund, upon appropriation by the Legislature, available to the State Board of Equalization to offset costs for inspecting, seizing, and disposing of cigarettes and to the State Fire Marshal to offset costs for implementation and reporting. The bill would become inapplicable if federal fire safety standards that preempt these provisions are enacted and the State Fire Marshal so notifies the Secretary of State. The bill would become operative on January 1, 2007.  
**Status:** **CHAPTERED** (last activity 10/07/05)
- AB 264  
Chan      *Schools: asthma management*  
Existing law requires the governing board of any school district to give diligent care to the health and

physical development of pupils. This bill would require the State Department of Education to supply each school district and each county office of education with a copy of the report titled Guidelines for the Management of Asthma in California Schools. The bill would require each school district and county office of education to ensure that each school within its jurisdiction has a copy of the report described above, by using the telephone or any other inexpensive means of communication to determine that the school has either downloaded a copy of the report from the Internet or has obtained a copy of the report in another manner. This bill would require a school district that receives an asthma action plan, submitted by the parent or guardian of a pupil identified as having asthma, to maintain the plan on file in a centralized location and to provide other specified information to any teacher of any pupil for whom an asthma action plan is submitted. By imposing additional duties on school districts, the bill would impose a state-mandated local program.

**Status:** In Sen. Com. on APPR. Set, first hearing. Held under submission. (last activity 8/25/05)

AB 273  
Baca

*Sale of alcoholic beverages: alcohol vaporized device*

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. This bill would prohibit the sale, purchase, and use of any vaporized form of alcohol produced by an alcohol vaporizing device, as defined. This bill would also provide that a person who purchases or uses any vaporized form of alcohol produced by an alcohol vaporizing device is subject to a fine of \$250. This bill would also provide that a person who sells or offers for sale any vaporized form of alcohol, or who possesses, sells, or offers for sale any alcohol vaporizing device, is guilty of a misdemeanor and is subject to imprisonment in a county jail, or a fine of not more than \$1,000, or both.

**Status:** To Senate inactive file – Senate Rule 29. (last activity 8/25/05)

AB 334  
Chan

*Instructional school garden program*

Existing law requires the State Department of Education to establish, develop, and implement the instructional school garden program to make competitive grants available for school districts and county offices of education. Existing law requires the department to distribute the grants in consultation with education, nutrition, and agriculture experts and according to specified guidelines. This bill would require the department, in consultation with the Department of Food and Agriculture, to allocate state and federal funds for purposes of the grants.

**Status:** In Asm. Com. on APPR. Set, second hearing. Held under submission. (last activity 5/25/05)

AB 428  
Gordon

*Alcohol Beverage Control Fund: grant assistance program*

Existing law requires all money collected as fees under the Alcoholic Beverage Control Act be deposited in the State Treasury to the credit of the Alcohol Beverage Control Fund for specified purposes. This bill would make legislative findings regarding the Department of Alcoholic Beverage Control's grant assistance program and provide, upon appropriation by the Legislature, that money in the fund shall also be used in an amount necessary for the support of the program.

**Status:** **CHAPTERED** (last activity 7/25/05)

AB 443  
Yee

*School food sales*

Existing law allows the governing board of any school district or any county office of education to authorize the sale of food on school premises by any pupil or adult organization, subject to policy and regulations of the State Board of Education. Existing law requires the State Board of Education to develop policy and regulations for the sale of food on school premises by any pupil or adult organization to ensure optimum participation in nonprofit food service programs. This bill would require the State Board of Education to review and revise, as appropriate, the regulations relating to pupil and adult organization food sales, and would authorize the State Department of Education to review school district compliance with those regulations, as part of the coordinated review effort pursuant to the National School Lunch Program. The bill would also require the state board to review competitive food sales, as specified.

**Status:** VETOED (last activity 9/22/05)

- AB 444  
Yee  
*School food: nutrition guidelines*  
Existing law requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and for all food and beverages sold on public school campuses. This bill would also require the department to develop and maintain those guidelines for all food and beverages served on public school campuses. Existing law requires the nutrition guidelines to include guidelines for fat, saturated fat, and cholesterol, and to specify that if comparable food products of equal nutritional value are available, the food product lower in fat, saturated fat, or cholesterol shall be used. This bill would include sugar and sodium within those guideline provisions.  
**Status:** VETOED (last activity 9/29/05)
- AB 454  
Sharon  
Runner  
*Alcoholic beverages: underage drinking*  
Under the Alcoholic Beverage Control Act, it is a misdemeanor for any person to provide an alcoholic beverage to a person under the age of 21 years who consumes the beverage and thereby proximately causes great bodily injury or death, as specified. This bill would make the act of providing an alcoholic beverage to a person who the provider knew, or reasonably should have known, was under the age of 21 years, and the person under the age of 21 years thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, and the provider knew, or reasonably should have known of that danger, punishable as either a misdemeanor or a felony, as specified.  
**Status:** To Sen. Com. on Pub. S. Set second hearing. Failed passage. Reconsideration granted. (last activity 6/28/05)
- AB 569  
Garcia  
*Pupil nutrition: food service*  
Existing law requires that the sale of all foods on school grounds at an elementary school be approved for compliance with specified nutrition standards. The bill would also make the entire campus of each elementary school, junior high school, or middle school, a food service area, as defined, during regular breakfast and lunch periods. The bill would prohibit the sale or serving of foods of minimal nutritional value, as defined, during regular school breakfast and lunch periods. The bill would require the State Board of Education to adopt regulations to implement that prohibition. The bill would provide that specified schools may authorize the serving or sale, during breakfast and lunch periods, only a food or beverage item that is a full meal, as defined, and that is nutritionally equivalent to a free or reduced-cost meal eligible for reimbursement under the National School Lunch Program. This bill, commencing on January 1, 2007, in elementary schools, middle schools, and junior high schools, would require a school district that elects to contract with a commercial food vendor to prepare or provide food for sale to pupils on a school campus to make information available on the nutritional content of all food items sold. The bill would authorize a school district to revoke a contract for food service entered into between a school district and a commercial food vendor after January 1, 2007, if the commercial food vendor fails to provide the nutritional information, as specified. The bill would prohibit a school district that elects to contract with a commercial food vendor from entering into a contract with the vendor, unless the vendor agrees to provide the nutritional information required by the bill. These provisions would not apply to a food vendor that provides meal service pursuant to a state or federally funded meal program. The bill would also provide for a waiver of its provisions, with certain requirements.  
**Status:** In Sen. Com. on APPR. Set, first hearing. Hearing canceled at the request of author. (last activity 7/13/05)
- AB 616  
Vargas  
*Public buildings: smoking areas*  
Existing law prohibits a public employee or member of the public from smoking any tobacco product in a public building, in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building, or in a passenger vehicle owned by the state. This bill would additionally prohibit a public employee or member of the public from smoking any tobacco product in an outdoor area enclosed on at least 4 sides by a state public building or buildings with certain exceptions.  
**Status:** In Senate. Read first time. To Com. on RLS. For assignment. (last activity 6/06/05)

AB 622 Negrete McLeod	<p><i>Public schools: pupil nutrition</i></p> <p>(1) Existing law, operative if funding is appropriated for specified nutritional purposes, prohibits the sale of certain beverages at elementary schools regardless of the time of day and restricts the sale of certain food items on those campuses during specified times. Existing law further prohibits the sale of carbonated beverages in middle schools from 1/2 hour before the start of the schoolday until after the end of the last lunch period. This bill would delete these provisions and would, instead, provide that food or beverages sold or served to pupils meet other specified nutritional standards. The bill would require elementary schools to comply with these standards commencing July 1, 2007, middle schools commencing July 1, 2008, and high schools commencing January 1, 2009. (2) Existing law requires a school district to approve, for compliance with nutritional standards contained in existing law, the sale of foods on school grounds at each elementary school and schools participating in a specified pilot program. This bill would create a state-mandated local program by requiring school districts to take this action with regard to the sale of foods on school grounds at middle and high schools. (3) Existing law, operative only if moneys are appropriated for this purpose on or before January 1, 2004, requires the reimbursement that a school receives for free and reduced price meals sold or served to pupils in elementary or middle schools be increased to 23 cents. This bill would provide that these provisions are operative July 1, 2007, only if moneys are appropriated for this purpose. The bill would also provide for this increase for pupils in high school. The bill would implement this increase for elementary schools as of July 1, 2007, for middle schools as of July 1, 2008, and for high schools as of July 1, 2009.</p> <p><b>Status:</b> In Com. on Ed. Set, first hearing. Hearing canceled at the request of author. (last activity 4/27/05)</p>
AB 689 Nava	<p><i>Nutrition and physical activity curriculum</i></p> <p>Existing law requires the State Board of Education to adopt instructional materials in designated subject areas for use in kindergarten and grades 1 to 8, inclusive, and to ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the cycles for the submission of instructional materials. Existing law requires the State Department of Education to incorporate nutrition education curriculum content into the health curriculum framework at its next revision, with a focus on pupils' eating behaviors. This bill would require the state board to adopt, on or before March 1, 2008, content standards in the curriculum area of health education. The bill would make that duty contingent upon the availability of funding.</p> <p><b>Status:</b> <b>CHAPTERED</b> (last activity 10/07/05)</p>
AB 744 Oropeza	<p><i>ABC license transfers</i></p> <p>The Alcoholic Beverage Control Act prohibits the issuance of a retail license to sell alcoholic beverages for any premises that are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city. This bill would also prohibit the transfer of retail licenses to those premises.</p> <p><b>Status:</b> Referred to Com. on G.O. Set, first hearing. Hearing canceled at the request of author. (last activity 4/20/05)</p>
AB 753 Gordon	<p><i>Alcoholic beverages: underage drinking: suspension of driving privileges</i></p> <p>The Alcoholic Beverage Control Act makes it a misdemeanor for any person under the age of 21 years to purchase any alcoholic beverage or to consume any alcoholic beverage in any on-sale premises. The act also makes it a misdemeanor if any person sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverages to any person under the age of 21 years. The act makes it a misdemeanor for a parent or legal guardian to knowingly permit a child under the age of 18 years to consume an alcoholic beverage or to use a controlled substance at the home of the parent or legal guardian. This bill, in addition to the penalties imposed under these provisions, would require the suspension or the delay of the driving privilege, as specified, of a person who knowingly violates any of these provisions.</p> <p><b>Status:</b> Referred to Asm. Com. on TRANS. Set, second hearing. Hearing canceled at the request of author. (last activity 4/25/05)</p>

- AB 826  
Nava  
*California Farm to School Child Nutrition Improvement Program*  
Existing law, the Child Nutrition Act of 1974, among other things, requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and all food and beverages sold at schoolsites, as specified. This bill would establish the California Farm to School Child Nutrition Improvement Program. This bill would require the State Department of Education, in collaboration with the Department of Food and Agriculture and the State Department of Health Services, to implement the program. This bill would allow the State Department of Education to offer voluntary Farm to School workshops and training sessions, as specified, to school food service directors and school food service personnel on the purchasing and use of seasonal fruits and vegetables from local farmers for use in federally reimbursable meal programs and other meals served on campus. This bill would require the Department of Food and Agriculture, to the extent funding is available, to provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a local Farm to School program, and also to work with the United States Department of Defense to establish a DOD Farm to School Program in California and to assist commodity growers in overcoming their barriers to participation in the program. This bill would allow the State Department of Education to contract with qualified organizations, as specified, for general or specialized services to implement those provisions.  
**Status:** VETOED (last activity 10/07/05)
- AB 864  
Levine  
*California Council of Physical Fitness and Sports*  
Existing law establishes programs relating to disease prevention and health promotion. This bill would establish the California Council on Physical Fitness and Sports, consisting of 20 volunteer members appointed by the Legislature and the Governor who are experienced or interested in physical fitness and sports. The bill would permit the council to promote and develop programs, stimulate research and distribute information relating to physical fitness and sports for the people of California. The bill would permit the council to promote the development of a statewide amateur athletic competition. The bill would also permit the council to accept grants, gifts, or bequests or enter into contracts to promote the purposes of the council.  
**Status:** Referred to Com. on A., E., S., T., & I.M. Set first hearing. Hearing canceled at the request of author. (last activity 4/19/05)
- AB 892  
Cogdill  
*Cigarettes and tobacco products*  
(1)The California Cigarette and Tobacco Products Licensing Act of 2003 provides for the licensure, by the State Board of Equalization, of manufacturers, distributors, wholesalers, importers, and retailers of cigarette or tobacco products that are engaged in business in California and prohibits retailers, manufacturers, distributors, and wholesalers from distributing or selling those cigarette and tobacco products unless they are in compliance with those licensure requirements. The act requires each distributor and each wholesaler to include certain information on each invoice for the sale of cigarettes or tobacco products, including a statement that all California cigarette and tobacco product taxes are included in the total amount of the invoice. The act provides that failure to comply with that requirement constitutes a misdemeanor. This bill would provide that a distributor that is also a retailer shall include either the above tax statement on each invoice for the sale of cigarettes or tobacco products or the amount of excise taxes due to the board by the distributor on the sale of cigarettes and tobacco products. In the case of other distributors and wholesalers, this bill would require these parties to include the amount of excise taxes due to the board on these invoices. Additionally, this bill would require a distributor or wholesaler to include the date the cigarettes or tobacco products are sold on each invoice. By changing the definition of a crime, this bill would impose a state-mandated local program. (2) The act authorizes the board or a law enforcement agency to seize any cigarettes or tobacco products that do not meet the act's requirements. Upon a finding that any distributor, wholesaler, manufacturer, or importer has violated any provision of the act, the act authorizes the board, upon a 1st offense, to revoke or suspend the license or licenses of the distributor, wholesaler, manufacturer, or importer, and, upon a 2nd or any subsequent offense, impose a civil penalty in an amount not to exceed the greater of 5 times the retail value of the cigarettes or tobacco products or \$5,000. This bill would clarify that, upon a 2nd or subsequent offense, the board is authorized to impose a civil penalty in an amount not to exceed the greater of 5 times the retail value of the seized cigarettes or tobacco products or \$5,000. (3) The act requires all

manufacturers and all importers that begin operations in the state after January 1, 2004, to be charged an administration fee commensurate with their respective market share of cigarettes manufactured or imported by the manufacturer, and sold in this state during the next calendar year as estimated by the board. This bill would clarify that all manufacturers and all importers that begin operations in the state after January 1, 2004, shall be charged a fee commensurate with their respective market share of cigarettes manufactured or imported by the manufacturer or importer, and sold in this state during the next calendar year as estimated by the board. (4) Existing provisions within the act establish procedures for the seizure of cigarettes and tobacco products from a seller after a notification of suspension or revocation of their license. This bill would specify that the State Board of Equalization or a law enforcement agency is empowered to seize cigarettes and tobacco products from unlicensed persons for the continued sales of cigarettes and tobacco products without a license.

**Status:** **CHAPTERED** (last activity 10/04/05)

AB 960  
Montanez

*Childhood obesity and nutrition*

Existing law establishes a program to promote public awareness of the need to consume fruits and vegetables in order to improve health and prevent major chronic disease. Existing law also creates a program to aid in child development from the prenatal stage to 5 years of age, by providing parental education, support service, and child health care service that emphasizes nutrition. This bill would declare the intent of the Legislature to enact legislation relating to childhood obesity and nutrition.

**Status:** From printer. May be heard in committee. (last activity 2/20/05)

AB 1056  
Chu

*Child nutrition: professional development*

The existing Child Nutrition Act of 1974, among other things, requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and all food and beverages sold at school sites, as specified. This bill would state the intent of the Legislature that school districts provide professional development training to food service workers in the public school system, as specified.

**Status:** From printer. May be heard in committee. (last activity 2/24/05)

AB 1077  
Chan

*Pupil health*

Existing law requires the governing board of any school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law allows the parent or guardian having control or charge of any child enrolled in the public schools to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an examination of his or her child. Existing law exempts a child from physical examinations once such a statement is filed with the principal. This bill would require pupils enrolled in a public school to present proof of having received, while in kindergarten, grade 2, and grade 6, an oral health assessment by a licensed dentist or other licensed or registered dental health professional before January 15 of the respective school year. This bill would require public schools to send a notification to the parents or guardians of pupils enrolled in kindergarten, grade 2, and grade 6 of the assessment requirement, as specified, including a standardized form which can be used for an assessment or on which a parent or guardian can indicate one of several specified reasons why an assessment cannot be completed. This bill would allow a school to withhold a pupil's report card if he or she fails to submit a completed form to his or her school by the specified date. This bill would require all public schools, after receiving completed assessments, and by June 30 of each year, to send a report, as specified, to the public health department of the county in which the school is located.

**Status:** Referred to Asm. Com. on APPR. Hearing postponed by committee. (last activity 5/25/05)

AB 1195  
Coto

*Continuing education: cultural and linguistic competency*

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under the act, a physician and surgeon is required to demonstrate satisfaction of continuing education requirements. The act also creates a voluntary program for interested physicians and surgeons to learn a foreign language and cultural beliefs and practices that may impact patient health care practices. This bill would require on and after July 1, 2006, that continuing medical education courses, except as specified, include curriculum in the

subjects of cultural and linguistic competency in the practice of medicine, as defined. The bill would require accreditation associations to develop standards for this curriculum before July 1, 2006.

**Status:** **CHAPTERED** (last activity 10/04/05)

AB 1207

*Alcoholic beverages: licenses: transfers*

Yee

The Alcoholic Beverage Control Act sets forth the procedures for applying for a liquor license. Existing law also establishes the procedures for the transfer of an existing liquor license. Existing law contains a schedule of fees that apply to specified transfers of liquor licenses. This bill would make a technical, nonsubstantive change to the provision that sets forth the fees for transfers of liquor licenses to eliminate a reference to a code section that has been repealed.

**Status:** From printer. May be heard in committee. (last activity 2/24/05)

AB 1292

*School facilities: air quality*

Evans

Existing law requires schoolsite councils, at schools participating in school-based program coordination, to develop a school plan including specified components. This bill would require schoolsite councils to include in their school plans guidelines for the improvement of indoor air quality. This bill would require that the guidelines describe the actions that district staff, teachers, and schoolsite staff plan to take to ensure good indoor air quality. This bill would require that, once approved by the school district's governing board, the guidelines be distributed to all teachers at the schoolsite and to members of the public upon request. Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to apportion to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to require school districts that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's general fund and to deposit an amount equal to 3% of the school district's general fund, including other financing uses, into the account for maintenance of school facilities. This bill would allow school districts to use the funds in the account for repairs or renovations to prevent poor indoor air quality conditions in school facilities. Existing law authorizes the governing board of a school district to establish a restricted deferred maintenance fund, provides for the deposit of prescribed local funds, and provides for the deposit of matching state funds. Existing law requires the State Allocation Board to apportion to school districts the state matching funds for deferred maintenance, and establishes the maximum required local deferred maintenance budget. This bill would allow school districts to use the matching funds apportioned by the State Allocation Board for repairs or renovations to prevent poor indoor air quality conditions in school facilities. This bill would impose a state-mandated local program by requiring school districts to ensure that school facilities have heating, ventilation, and air-conditioning systems that meet the minimum requirements of regulations enacted by the Division of Industrial Safety that govern the quality of air provided to employees in places of employment. This bill would require school districts to use contractors who have been certified by a nationally recognized organization for the implementation and maintenance of heating, ventilation and air-conditioning systems.

**Status:** Referred to Asm. Com. on APPR. Set, second hearing. Held under submission. (last activity 5/25/05)

AB 1334

*Dentistry: registered dental hygienists*

Salinas

Under existing law, the Dental Practice Act, dental auxiliaries are licensed and regulated by the Committee on Dental Auxiliaries and the Dental Board of California. Existing law authorizes a registered dental hygienist in alternative practice to perform certain functions of a registered dental hygienist, subject to specified conditions. This bill would expand the scope of those functions by authorizing a registered dental hygienist in alternative practice to perform all the duties of a registered dental hygienist, subject to those conditions. Existing law authorizes a registered dental hygienist in alternative practice to hire and supervise dental assistants performing certain tasks. This bill would also authorize a registered dental hygienist in alternative practice to hire and supervise registered dental assistants. Existing law authorizes a registered dental assistant employed by or practicing in specified clinics to perform certain procedures under the direct supervision of a registered dental hygienist. This bill would also authorize a registered dental assistant to perform

those procedures under the direct supervision of a registered dental hygienist in alternative practice.

**Status:** To inactive file on motion of Assembly Member Salinas. (last activity 5/23/05)

AB 1381  
Nunez

*School instructional gardens: pupil nutrition*

Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens by eligible educational agencies, as defined. Existing law requires that the program be administered by the State Department of Education through the allocation of one-time grants and technical assistance to applicant eligible education agencies. Existing law authorizes the department to consult with the Integrated Waste Management Board, among others, regarding curriculum development and evaluation of any program established pursuant to the Instructional School Gardens Program. This bill would delete this reference to the Integrated Waste Management Board.

**Status:** In Asm. Com. on Ed. Set, first hearing. Hearing canceled at the request of author. (last activity 5/04/05)

AB 1385  
Laird

*School meals*

Existing law requires school districts and county superintendents of schools to provide free or reduced-price meals to needy pupils as part of the National School Lunch and School Breakfast Programs. This bill would require the State Department of Education to create a computerized data matching system, as specified, using existing databases from the State Department of Education and the State Department of Health Services to directly certify recipients of public assistance programs for enrollment in the National School Lunch and School Breakfast Programs. This bill would require the State Department of Education to determine the availability of and request or apply for, as appropriate, federal funds to assist the state in implementing new direct certification requirements mandated by federal law. The bill would make its provisions operative upon receipt of federal funds to assist the state in implementing new direct certification requirements mandated by federal law.

**Status:** **CHAPTERED** (last activity 9/28/05)

AB 1392  
Umberg

*Free or reduced-price meals*

Existing law requires a school district and a county superintendent of schools maintaining a 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 schoolday, except as specified. Existing law requires the State Board of Education to grant a one-year waiver from that requirement during a summer school session if 2 of 4 enumerated conditions exist, including that the summer school session is less than 4 hours in duration and is completed by noon, that less than 10% of the needy pupils attending the summer school session are at the schoolsite for more than 3 hours per day, that a Summer Food Service Program for Children site is available within the attendance area of the school, and that compliance with the requirement would result in a financial loss in a specified amount relative to food service net cash resources, except as specified. This bill would require a waiver to be granted if a Summer Food Service Program for Children site is available within a specified proximity to the schoolsite and as to specified hours of operation, or if compliance with the requirement would result in a financial loss, as specified. To the extent that these restrictions on granting a waiver from this requirement would impose additional duties on a school district, the bill would create a state-mandated local program. The bill would, for purposes of providing nutritionally adequate free or reduced-price meals, authorize a school district or county superintendent of schools to use funds provided by specified programs.

**Status:** **CHAPTERED** (last activity 10/07/05)

AB 1393  
Berg

*Multicultural Health*

Existing law establishes the Office of Multicultural Health within the State Department of Health Services. Under existing law, the office has duties with respect to health status and access to care for the state's diverse racial and ethnic communities. This bill would make a technical nonsubstantive change to the provisions relating to the Office of Multicultural Health.

**Status:** From printer. May be heard in committee. (last activity 2/25/05)



- AB 1414 *Children's Environmental Health Center*  
Berg Existing law establishes the Children's Environmental Health Center within the Environmental Protection Agency, and provides the center with advisory and other duties relating to the effect of the environment on children's health. This bill would make a technical nonsubstantive change to the provisions relating to the Children's Environmental Health Center.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)
- AB 1430 *Air Contaminants*  
Goldberg Existing law requires the State Air Resources Board to develop and adopt, at a public hearing, a methodology for use by air pollution control districts and air quality management districts to calculate the value of credits issued for emission reductions from stationary, mobile, indirect, and areawide sources, including those issued under market-based incentive programs, when those credits are used interchangeably, with certain requirements. This bill would require this methodology to prohibit the trading of mobile source emissions for stationary source emissions, within or between air districts, until all stationary sources have first installed best available retrofit technology, best achievable control technology, or lowest achievable emissions reduction.  
**Status:** To inactive file on motion of Assembly Member Goldberg. (last activity 6/02/05)
- AB 1537 *Alcoholic beverages: issuance of license: restrictions*  
Bass Under existing law, the Department of Alcoholic Beverage Control is authorized to place reasonable restrictions upon retail licensees or any licensee in the exercise of retail privileges in various situations. Existing law provides that the number of premises for which an off-sale beer and wine license may be issued shall be limited to one for each 2,500, or fraction thereof, of inhabitants of the city or county in which the premises are situated, and to one for each 1,250 inhabitants when those premises are combined with premises for which an off-sale general license is issued in the same city or county. This bill would revise those ratios for premises located in a high crime area, as defined, to limit the number of premises for which an off-sale beer and wine license may be issued to one for each 3,000, or fraction thereof, of inhabitants of the city or county in which the premises are situated, and to one for each 2,000 inhabitants, when those premises are combined with premises for which an off-sale general license is issued in the same city or county. This bill would also define "inhabitant" to exclude any person under the age of 21 years.  
**Status:** In Asm. Com. on G.O. Set, first hearing. Hearing canceled at the request of author. (last activity 4/20/05)
- AB 1593 *Child Nutrition*  
Coto Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC), authorizes establishment of a statewide program, administered by the State Department of Health Services, for providing nutritional food supplements to low-income pregnant women, low-income postpartum and lactating women, and low-income infants and children under 5 years of age, who have been determined to be at nutritional risk. The program, which implements a program authorized under existing federal law, provides for the redemption of nutrition coupons by recipients at any authorized retail food vendor. Existing federal and state regulations set forth the circumstances under which a WIC vendor is subject to a federally required sanction. This bill would prohibit a federally required 3-year disqualification from being imposed on a vendor in the WIC program based on violations found during a single monitoring visit, would define when a pattern of violations exists, and would impose related notice requirements on the department.  
**Status:** VETOED (last activity 10/07/05)
- AB 1612 *Cigarettes: litter*  
Pavley Existing law, 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 California Families and Children Act of 1998 (Proposition 10), and the Tobacco Tax and Health Protection Act of 1988. This bill would enact the Cigarette Pollution and Litter Prevention Act of 2005 and would require a manufacturer on or before July 1, 2006, and on or before July 1 annually thereafter, to pay a specified fee to the State Board of Equalization for each package of cigarettes sold in the state during the previous year. The bill would require each manufacturer to pay the fee

based upon the number of packages of cigarettes sold in the state during the previous year. The bill would require the board to notify each manufacturer of the amount due. The bill would require the board to deposit the fees collected into the Cigarette Pollution and Litter Prevention Fund, which the bill would create in the State Treasury. The bill would authorize the revenues in the fund to be expended by the Department of Conservation and State Department of Health Services, upon appropriation by the Legislature, for specified purposes and programs, including to help offset public agency costs associated with the cleanup of cigarette-related pollution and litter, to develop and implement public education and outreach programs, to assist individuals to access and utilize smoking cessation services, to reimburse the board for its costs of collection of the fee, and to provide for the costs of administering the act.

**Status:** In Asm. Com. on APPR. Set, second hearing. Held under submission. (last activity 5/25/05)

SB 12  
Escutia

*School food nutrition*

(1) Existing law prohibits the sale of certain beverages and food items at elementary schools, and at junior high schools participating in a pilot program. This bill would, commencing July 1, 2007, limit those provisions, revised as specified, to elementary schools. The bill would prohibit the sale of certain beverages and food items at all middle, junior high, and high schools, commencing July 1, 2007. The bill would provide the intent of the Legislature that the governing board of a school district annually review its compliance with certain nutrition standards. (2) Existing law requires the Superintendent of Public Instruction to monitor school district compliance with specified pupil nutrition and activity requirements, as specified, and requires certain school districts to report their compliance to the Superintendent, as specified. This bill would, instead, authorize the Superintendent to monitor that school district compliance and would require those monitored school districts to report their compliance, as specified.

**Status:** **CHAPTERED** (last activity 9/15/05)

SB 148  
Scott

*Alcoholic beverages: licensing restrictions*

The Alcoholic Beverage Control Act imposes upon the Department of Alcoholic Beverage Control the responsibility to administer and enforce state laws with respect to alcoholic beverages, including the implementation of alcoholic beverage licensing. Among other things, the act prohibits the issuance of any retail license for the sale of alcoholic beverages for any premises that are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city. The act provides that premises which had been used in the exercise of those rights and privileges at a time prior to the effective date of the zoning ordinance may continue operation under specified conditions. This bill would, in the case of premises issued a Type 20 or Type 21 off-sale retail license, authorize county or city to provide for a reasonable amortization period and termination or imposition of conditions on legal nonconforming uses pursuant to a validly enacted zoning ordinance. These provisions would also apply to premises which had been used in the exercise of rights and privileges conferred by the retail license at a time prior to the effective date of the zoning ordinance, as provided. These provisions would become inoperative on January 1, 2010.

**Status:** To Asm. Com. on G.O. Set, first hearing. Hearing canceled at the request of author. (last activity 7/06/05)

SB 153  
Chesbro

*California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006*

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities. This bill would enact the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006, which, if adopted, would authorize, for the purpose of financing a program for the acquisition, development, improvement, preservation, rehabilitation, and restoration of agricultural, coastal, cultural, forest, historical, park, recreational, and water resources in the state, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$3,945,000,000.

**Status:** From committee with author's amendments. Read second time. Amended. Re-referred to Assembly Committee on APR. (last activity 9/02/05)

- SB 189      *Health care coverage: substance related disorders*  
Chesbro      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. 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 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.  
**Status:** To Coms. on B., F. & I. and Health. (last activity 2/24/05)
- SB 209      *Stroke education*  
Alquist      Existing law establishes the Heart Disease and Stroke Prevention Task Force within the State Department of Health Services and requires the task force to create a heart disease and stroke prevention and treatment state master plan and submit the plan to the Legislature, the Governor, and the department by November 1, 2005. These provisions become inoperative March 1, 2006, and are repealed January 1, 2007. This bill would require the State Department of Health Services to implement a stroke education campaign.  
**Status:** Referred to Sen. Com. on APPR. Set, first hearing. Heard in committee and under submission. (last activity 5/26/05)
- SB 281      *Nutrition*  
Maldonado      Existing state and federal laws require all schools participating in meal programs to provide nutritious food and beverages to pupils. Existing law requires that the sale of all foods on school grounds at an elementary school be approved for compliance with specified nutrition standards. Existing law requires that a minimum of 50% of the food items, except as specified, offered for sale each schoolday at any schoolsite by any entity or organization during regular school hours be selected from a list of specified items, including specified fruits, vegetables, and fruit and vegetable juices. Existing law requires the State Department of Health Services to establish and implement, to the extent funds other than state general funds are available, a "5 A Day--For Better Health" program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers. This bill would establish, within the State Department of Education, the California Fresh Start Pilot Program, to be administered by the department, in consultation with the Department of Food and Agriculture and the State Department of Health Services, in order to encourage public schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide fruits and vegetables that have not been deep fried to pupils in order to supplement other fruits and vegetables that have not been deep fried and that are available to those pupils, and in order to promote the consumption of nutritious fruits and vegetables by schoolage children. The bill would make an appropriation by requiring that, of the funds appropriated in a specified item of the Budget Act of 2005, \$400,000 shall be available for the department to provide grants to a county office of education or a community college selected on a competitive basis, to be allocated in the amount of not more than \$100,000 to develop an online professional development seminar for schoolsite staff on serving, marketing, and promoting nutritious fruits and vegetables, and not more than \$300,000 to contract with an independent evaluator to conduct a comprehensive evaluation, as specified. The bill would require the department, in consultation with the Department of Food and Agriculture, the State Department of Health Services, and the State Board of Education, to develop emergency regulations necessary to implement the program and to establish guidelines for the administration and evaluation of the program.  
**Status:** **CHAPTERED** (last activity 9/15/05)
- SB 284      *Specialty crop funding*  
Maldonado      Existing federal law, Public Law 107-25, authorized block grants to state departments of agriculture for specified purposes. This bill would appropriate the sum of \$2,200,000 from this block grant to the Department of Agriculture for allocation to California food banks to support the marketing of

specialty crops.

**Status:** To Asm. Com. on Agri. Set, first hearing. Hearing canceled at the request of author. (last activity 6/15/05)

SB 307  
Simitian

*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. The bill would further provide that a retail clerk who fails to require and obtain proof of age from the purchaser shall not be guilty of an infraction, subject to any civil penalties, or subject to any disciplinary action or discharge by his or her employer, unless the retail clerk is a willful participant in an ongoing criminal conspiracy to violate the provisions prohibiting the sale of dextromethorphan to minors.

**Status:** To Sen. Com. on Pub. S. Set for hearing March 29. Hearing canceled at the request of author. (last activity 3/29/05)

SB 322  
Migden

*Alcoholic beverages: reporting*

The Alcoholic Beverage Control Act provides for the issuance and transfer of alcoholic beverage licenses by the Department of Beverage Control. This bill would require the department to submit to the State Board of Equalization a quarterly report of licenses issued and transferred, as specified.

**Status:** **CHAPTERED** (last activity 9/06/05)

SB 400  
Kuehl

*Tobacco licensing*

The Stop Tobacco Access to Kids Enforcement (STAKE) 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. The California Cigarette and Tobacco Products Licensing Act of 2003 provides for the licensure, by the State Board of Equalization, of manufacturers, distributors, wholesalers, importers, and retailers of cigarette or tobacco products that are engaged in business in California and prohibits retailers, manufacturers, distributors, and wholesalers from distributing or selling those cigarette and tobacco products unless they are in compliance with licensure requirements. The act requires the board to take action against a retailer convicted of a violation of either the STAKE Act or the Penal Code, according to a schedule that includes a warning letter and training for a first conviction, fines for the 2nd and 3rd convictions within 12 months, 90-day license suspension for the 4th to the 7<sup>th</sup> convictions within 12 months, and license revocation upon the 8<sup>th</sup> conviction within 24 months. The act requires the board to notify the retailer prior to suspending or revoking a retailer's license to sell cigarette and tobacco products. The act authorizes the retailer to appeal the board's decision to suspend or revoke the retailer's license within 30 days after the notice of suspension or revocation. The act makes the board's authority to take action inoperative on or after the date of the release of results from the survey undertaken by the State Department of Health Services to comply with the federal Public Health Service Act showing that less than 13% of youth were able to purchase cigarettes. This bill would repeal the above provisions of the act and would instead make any conviction or final administrative adjudication for a violation by a retail licensee of the STAKE Act or the Penal Code grounds for suspension or revocation of a license to sell cigarette and tobacco products. If the board finds that there are grounds for suspending or revoking a license, the bill would require the board to impose sanctions, including a 30-day license suspension for the first conviction within a 5-year period, a 90-day suspension for the 2nd conviction within a 5-year period, a 120-day suspension for the 3rd conviction within a 5-year period, a 365-day suspension for a 4th conviction within 5 years, and permanent revocation for a 5th conviction within 5 years. The bill would authorize any licensee whose license is suspended or revoked to petition the board for a redetermination of that suspension or revocation and would require the board, if the petition is filed within a 30-day period, to reconsider the suspension or revocation and, if the licensee has so requested in the petition, grant the licensee an oral hearing. This bill would require a state or local law enforcement agency to notify the board of any conviction or final administrative adjudication for a violation of the STAKE Act or the Penal Code that involves a retail licensee or licensed premises, within 30 days of a final judgment. By increasing the duties of a local agency, this bill would impose a state-mandated local program.

**Status:** To Sen. Com. on APPR. Set, first hearing. Held in committee and under submission. (last activity 5/26/05)

SB 454  
Ortiz

*Health counseling*

Existing law provides for the creation of various programs to provide health care services to persons who have limited incomes and 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 require the board to adopt policies to establish standards for participating health plans to provide information that beneficiaries may request that promotes nutrition education, increased physical activity, and participation in federal nutrition programs and would require the department to implement a program to provide Medi-Cal beneficiaries information they may request that promotes nutrition education, increased physical activity, and participation in federal nutrition programs. The bill would require the board and department to ensure culturally and linguistically appropriate outreach so that beneficiaries will be aware of the benefits.

**Status:** Referred to Sen. Com. on APPR. Set, first hearing. Held in committee and under submission. (last activity 5/26/05)

SB 479  
Lowenthal

*Childhood obesity mitigation*

Under existing law the Office of Multicultural Health, within the State Department of Health Services, serves as a resource for ensuring that programs keep data regarding multicultural health issues, including childhood obesity. This bill would require the State Department of Health Services to establish the Childhood Obesity Mitigation Pilot Project, and would authorize local agencies and clinics and a children's hospital to participate in the pilot project. The bill would provide for the administration of the pilot project by a committee that consists of representatives of participating entities and the medical director of the California Obesity Initiative. This bill would establish the Childhood Obesity Mitigation Fund in the State Treasury.

**Status:** Set, second hearing. Held in Asm. APPR. Com. and under submission. (last activity 8/25/05)

SB 522  
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 require each vendor that operates or maintains vending machines on designated state property to satisfy a specified phased-in requirement that at least 25% of the food and beverages offered in the vending machine meets accepted nutritional guidelines, as defined, by December 31, 2006, and 50% by December 31, 2007, or under specified conditions, by December 31, 2009, and to provide to users, upon request, information about the nutritional value of food and beverages offered in the vending machine and procedures for requesting a change in vending machine offerings.

**Status:** Placed on inactive file on request of Senator Torlakson. (last activity 5/26/05)

SB 559  
Torlakson

*Physical education*

Existing law establishes various professional development and training programs for certificated employees of local educational agencies. This bill would establish the Physical Education Professional Development Program, to be administered by the Superintendent of Public Instruction with the approval of the State Board of Education. Under the program, a school district that maintains kindergarten or any of grades 1 to 8, inclusive, would be eligible to apply for, and to receive, and the Superintendent would be authorized to allocate, incentive funding, upon the submission of a proposal, as specified, to provide training in physical education to no more than one teacher at the school district, through professional development programs conducted by institutions of higher education or a by a provider of training approved by the department. The bill would appropriate \_\_\_\_ for these purposes. 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. This bill would define a physical education class as one in which each pupil is required to actively participate.

Existing law permits a pupil in grade 10, 11, or 12 to be excused from physical education classes, as provided, in order to participate in automobile driver training. This bill would delete those provisions. Existing law authorizes the governing board of a school district and the office of the county superintendent of schools of a county to grant a permanent exemption from courses in physical education if the pupil complies with one of several criteria, including, among others, that the pupil is 16 years of age or older and has been enrolled in grade 10 for one academic year or longer. This bill would delete that exemption with respect to a pupil who is 16 years of age or older and has been enrolled in grade 10 for one academic year or longer, and would make conforming changes.  
**Status:** Set, second hearing. Held in committee and under submission. (last activity 8/25/05)

SB 564  
Torlakson

*Cigarette and tobacco products taxes: California Healthy Children Trust Fund*

(1) 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). This bill would, commencing January 1, 2006, impose an additional tax on the distribution of cigarettes at the rate of \$0.025 for each cigarette distributed. The revenues collected from these additional taxes would be deposited in the California Healthy Children Trust Fund that would be created by this bill. This bill, for the 2005-06 fiscal year and each fiscal year thereafter, would continuously appropriate the moneys in the California Healthy Children Trust Fund, as provided. The bill would also require that, for the 2006-07 fiscal year and each fiscal year thereafter, a prescribed amount of moneys from the fund be deposited in the Cigarette and Tobacco Products Surtax Fund, the Breast Cancer Fund and the California Children and Families Trust Fund, to reimburse any losses that occur as a result of the imposition of the tobacco products tax that would be established under the bill. (2) Existing law requires that stamp and meter register settings be sold at their denominated values, less 0.85%, to licensed distributors. This bill would exclude from that provision the additional taxes on cigarettes and tobacco products proposed by this bill. (3) By imposing a new tax, this bill would result in a change in state taxes for the purpose of increasing revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature. This bill would declare that it is to take effect immediately as an urgency statute  
**Status:** Referred to Com. on REV & TAX. Set, second hearing. Testimony taken. Further hearing to be set. (last activity 8/17/05)

SB 567  
Torlakson

*Pupil nutrition: school wellness policy*

Existing law, the federal Child Nutrition Act of 1966, among other things, requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and for all food and beverages sold at food sites, as specified. This bill would require local educational agencies that participate in specified federal school lunch programs to establish and implement a local school wellness policy, as specified. This bill would require local educational agencies that are subject to this requirement to designate one or more persons, as specified, to be charged with operational responsibility for ensuring the compliance of each school with the wellness policy.  
**Status:** VETOED. In Senate. To unfinished business. (last activity 10/11/05)

SB 576  
Ortiz

*Health care coverage: tobacco cessation services*

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 and makes a violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health care service plan and a health insurer are deemed to provide coverage for specified tests, including all generally medically accepted cancer screening tests. This bill would require certain health care service plan contracts and health insurance policies that provide outpatient prescription drug benefits to also provide coverage for tobacco cessation services and would impose limits on copayments for those services.  
**Status:** VETOED. In Senate. To unfinished business. (last activity 10/11/05)

- SB 638  
Torlakson      *After School Education and Safety Program*  
Existing law, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. Existing law provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program. Existing law allows the department to spend 11 2/3% of the appropriated funds to cover evaluation costs, to provide training and support, and to pay its costs of awarding and monitoring grants. The initiative statute authorizes the Legislature to amend certain of its provisions to further the purposes of the statute by majority vote of each house. This bill would require that the training and support provided by the department include, but not be limited to, the development and distribution of voluntary guidelines for physical activity programs, as specified. The bill would make findings and declarations of the Legislature that its provisions further the purpose of the act.  
**Status:** Set, second hearing. Held in Asm. APPR. Committee and under submission. (last activity 8/25/05)
- SB 656  
Romero      *Taxation: alcoholic beverages*  
The Alcoholic Beverage Tax Law provides that taxes imposed by that law are in lieu of all county, municipal, or district taxes on the sale of beer, wine, or distilled spirits. This bill would provide an exception to this prohibition by authorizing the board of supervisors of a county, subject to certain conditions that include voter approval, to levy on a countywide basis, for revenue purposes only, a tax on the privilege of consuming beer, wine, and distilled spirits, as defined, purchased in a retail sale for consumption on the premises of the seller, at a rate of at least 1/8 of 1%, but not to exceed 5%, of the sale price, as provided. The bill would require the board of supervisors of a county either to notify the State Board of Equalization that the county will administer its tax on its own behalf or that it will contract with the State Board of Equalization to administer the tax, as provided. This bill would also specify that a tax imposed under those provisions shall conform to certain tax laws and not prohibit the concurrent application or administration of other taxes.  
**Status:** To Com. on Rev. & Tax. Set first hearing. Testimony taken. Further hearing to be set. (last activity 4/13/05)
- SB 753  
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.  
**Status:** Failed passage in Com. on APPR. (last activity 5/26/05)
- SB 937  
Aanestad      *Liability: obesity*  
Existing law provides that a manufacturer or seller is not liable in a product liability action if the product is a common consumer product intended for personal consumption and it is inherently unsafe and is known to be unsafe by the ordinary consumer who consumes the product with the ordinary knowledge common to the community, except as specified. This bill would provide that a manufacturer, distributor, packer, carrier, holder, marketer, advertiser, or seller of food or nonalcoholic beverages intended for human consumption shall not be subject to any civil action, as defined, arising out of weight gain, obesity, a health condition associated with weight gain or obesity or any other generally known health condition allegedly caused by or allegedly likely to result from the long-term consumption, as defined, of food or nonalcoholic beverage that results in weight gain or obesity and that is in compliance with applicable statutory and regulatory requirements. The bill would exempt certain actions from this provision and would require persons filing those actions to comply with specified procedural requirements.  
**Status:** Failed passage in Sen. Com. on Jud. (2-3). (last activity 5/03/05)

SB 942 Chesbro	<p><i>Cigarettes: pollution: litter</i></p> <p>Existing law, 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 California Families and Children Act of 1998 (Proposition 10), and the Tobacco Tax and Health Protection Act of 1988. This bill would enact the Cigarette Pollution and Litter Prevention Act of 2005 and would require a manufacturer on July 1, 2006, to pay a specified fee to the State Board of Equalization for each package of cigarettes sold in the State of California during the previous 6 months. The bill would require each manufacturer to thereafter pay the fee based upon the number of packages of cigarettes sold in the state during the previous 6 months. The bill would require the fee to be in an amount that is not greater than specified costs mitigated by the bill. The bill would require the board to deposit the fees collected into the Cigarette Pollution and Litter Prevention Fund, which the bill would create in the State Treasury. The bill would authorize the revenues in the fund to be expended by the Department of Conservation and the State Department of Health Services, upon appropriation by the Legislature, for specified purposes and programs, including prevent and cleanup of cigarette litter and cigarette related pollution, to develop and implement public education and outreach programs, to assist individuals to access and utilize smoking cessation services, to develop and implement community interventions, and to provide for the costs of administering the act, in the percentages specified.</p> <p><b>Status:</b> Held in Sen. APPR. Com. and under submission. (last activity 5/26/05)</p>
SB 965 Escutia	<p><i>Pupil nutrition: beverages</i></p> <p>Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils. Existing law restricts the sale of beverages to pupils at an elementary school to certain specified beverages, including water, milk, and 100% fruit juices, and at a middle or junior high school at specified times to certain specified beverages. This bill would modify the list of beverages that may be sold to pupils at an elementary or a middle or junior high school, and would restrict the sale of beverages to pupils at a high school at specified times to certain specified beverages.</p> <p><b>Status:</b> <b>CHAPTERED</b> (last activity 9/15/05)</p>
SB 981 Poochigian	<p><i>Drugs: schools: enhancements</i></p> <p>Existing law known as the Juvenile Drug Trafficking and Schoolyard Act of 1988 imposes enhancements of 3, 4, or 5 years upon persons convicted of committing specified controlled substance offenses upon the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs. This bill would revise these provisions to rename them as the Juvenile Drug Trafficking and Schoolyard Protection Act of 1988.</p> <p><b>Status:</b> To Com. on Rls. (last activity 3/17/05)</p>
SCR 4 Torlakson	<p><i>Public health awareness</i></p> <p>This measure would encourage various government, community, school, and workplace activities in support of public health awareness and prevention of obesity and diabetes.</p> <p><b>Status:</b> <b>CHAPTERED</b> (last activity 5/03/05)</p>



## Division of Communicable Disease Control & Prevention

- AB 103  
Cohn      *School districts: contraceptives*  
Existing law requires the governing board of a school district to give diligent care to the health and physical development of a pupil. This bill would prohibit the governing board of a school district from prohibiting a licensed health clinic from entering upon, and dispensing contraceptives on, a schoolsite.  
**Status:** Referred to Com. on Ed. (last activity 1/27/05)
- AB 228  
Koretz      *Transplantation services: human immunodeficiency virus*  
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 a crime. Existing law also provides for the licensure and regulation of health insurers by the Department of Insurance. This bill would prohibit a health care service plan and a health insurer from denying coverage for the costs of organ or tissue transplantation services on the basis that the enrollee, subscriber, insured, or policyholder is infected with the human immunodeficiency virus.  
**Status:** **CHAPTERED** (last activity 9/29/05)
- AB 296  
Negrete  
McLeod      *Hepatitis C*  
The existing Hepatitis C Education, Screening, and Treatment Act requires the Director of Corrections to perform various functions and duties with respect to testing and treatment of individuals in the correctional system for hepatitis C. Existing law requires the director to provide the budget subcommittees of the Legislature, on or before March 1, 2002, with an annual statistical report on the prevalence of the hepatitis C virus in correctional facilities and trends in the incidence and prevalence of the hepatitis C virus in the correctional system. Existing law implements these provisions only to the extent funds for this purpose have been appropriated in the annual Budget Act. This bill would require the Department of Corrections and Rehabilitation to make hepatitis C screening available without copayment to an inmate, make testing confidential, and make available hepatitis C information for all inmates upon intake examination or while providing general information.  
**Status:** **CHAPTERED** (last activity 10/05/05)
- AB 512  
Richman      *Clinical laboratories*  
Under existing law, the State Department of Health Services licenses and regulates clinical laboratories and clinical laboratory personnel. A violation of these provisions is a misdemeanor. Under existing law, the department may deny, suspend, or revoke a license or registration for specified reasons. This bill would also authorize the department to deny, suspend, or revoke a license or registration for failure to comply with specified infectious disease reporting requirements. Existing law authorizes the department to impose specified penalties in lieu of, or in addition to, revocation or suspension of a license or registration. This bill would also authorize the department to impose civil monetary penalties for failure to comply with specified infectious disease reporting requirements.  
**Status:** **CHAPTERED** (last activity 9/06/05)
- AB 547  
Berg      *Clean needle and syringe exchange projects*  
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 this exchange, as recommended by the United States Secretary of Health and Human Services and as part of a network of comprehensive services.

**Status:** CHAPTERED (last activity 10/07/05)

AB 568  
Garcia

*HIV tests*

Existing law requires a licensed physician and surgeon or other person engaged in the prenatal care of a pregnant woman or attending the woman at the time of delivery to obtain or cause to be obtained a blood specimen of the woman and to submit that blood specimen to a laboratory for an HIV test. Prior to obtaining a blood specimen, existing law requires the physician and surgeon or other person engaged in the prenatal care of a pregnant woman or attending the woman at the time of delivery to ensure that the woman is informed that she has a right to accept or refuse the testing. Existing law requires the acceptance of testing for HIV to be documented in writing and signed by the patient. Existing law authorizes the State Department of Health Services, through its Office of AIDS and the authorized agents of the office, to participate in a rapid human immunodeficiency virus (HIV) test research program conducted with the federal Centers for Disease Control and Prevention, involving innovative HIV testing and counseling programs. Under the rapid HIV test research program, existing law authorizes the department to perform and report clinical test results using a rapid HIV test for diagnosis-prior to test approval by the federal Food and Drug Administration (FDA). However, existing law requires test performance and reporting to be done only to the extent allowed under that device's investigational approval by the FDA and pursuant to a California Health and Human Services Agency Institutional Review Board-approved research protocol. This bill would require that any woman seeking an annual gynecological examination or family planning appointment be provided with information on HIV and AIDS, and would require that the woman be offered the option of being tested onsite, if available, or referral information to other testing locations. If the woman chooses to be tested for HIV, the bill would require the physician and surgeon or other health care professional attending the woman at the time the results are received to ensure that the woman receives information and counseling, as appropriate, to explain the results and the implications for the woman's health, including any follow-up care that is indicated. This bill would require a positive test result to be reported to the local health officer. To the extent this bill would expand the duties of local health officers, it would impose a state-mandated local program.

**Status:** In Asm. Com. on APPR. Hearing postponed by committee. (last activity 5/25/05)

AB 576  
Wolk

*Immunizations*

Existing law regulates the sharing of a patient's or client's immunization information between a health care provider, local health department, the department, and other agencies. Existing law prescribes the process by which a patient or client, or parent or guardian of a patient or client, may refuse to allow the information to be shared. This bill would allow the patient's or client's physician, local health departments, and the department to maintain access to this information for the purpose of patient care or protecting the public health after the patient or client, or parent or guardian of a patient or client, refuses the sharing of the information. The bill would also allow local health departments and the department to share the name of a patient or client, or parent or guardian of a patient or client, with a state, local health department, health care provider, immunization information system, or any representative of an entity designated by federal or state law to receive this information, unless the patient or client, or parent or guardian of the patient or client, refuses to allow the information to be shared. Existing law requires the State Department of Health Services to submit a biennial report to the Legislature on the immunization levels of children in the state, steps taken to increase immunization levels and immunization education, and recommendations of a strategy and the funding that would be necessary to immunize all children in the state. This bill would require the department to submit the biennial report on March 1, rather than March 15. This bill would also state the intent of the Legislature to ensure the full funding of the California State Immunization Information System by the 2007-08 fiscal year and each year thereafter, for the health and well-being of California's children and all other citizens.

**Status:** From committee chair, with author's amendments: Amend and re-refer to committee. Read second time, amended, and re-referred to Senate Com. On Health. (last activity 8/15/05)

AB 1074  
Chu

*HIV testing for foster children*

Existing law prohibits disclosure of the results of a blood test to detect antibodies to the probable causative agent of AIDS without the written consent of the subject of the test, except to designated

persons. This bill would add a foster parent, relative caregiver, or assigned social worker for a child who has been adjudged a dependent child of the juvenile court, to the list of persons to whom disclosure may be made without consent. Existing law authorizes the parent, guardian, conservator, or other person lawfully authorized to make health care decisions on behalf of a person who is not competent to consent, to give consent for the test to be performed. Under existing law, a minor under the age of 12 years is deemed not competent to consent under these circumstances. This bill would additionally authorize a foster parent or relative caregiver of a child adjudged to be a dependent child of the juvenile court, and the child's social worker, to consent to the test on the child's behalf.

**Status:** In Asm. Human Services Com. Set, second hearing. Hearing canceled at the request of author. (last activity 4/26/05)

AB 1142  
Dymally

*HIV/AIDS: African-Americans: statewide initiative*

Existing law makes provision for programs relating to treatment of persons with the human immunodeficiency virus (HIV) and the acquired immune deficiency syndrome (AIDS). Under existing law, the Office of AIDS in the State Department of Health Services is the lead agency within the state responsible for coordinating state programs, services, and activities relating to HIV and AIDS, and AIDS-related conditions (ARC). This bill would establish a Statewide African-American Initiative to address the disproportionate impact of HIV/AIDS on the health of African-Americans by coordinating prevention and service networks around the state and increasing the capacity of core service providers. The initiative would be implemented in 5 designated regions. The bill would establish the responsibilities and duties of the initiative. The bill would establish requirements for the office with respect to the initiative. The bill would require, until January 1, 2008, the initiative to be housed at the Office of AIDS, and by January 1, 2008, the initiative to establish itself as an independent nonprofit organization. The bill would provide that its requirements shall only be implemented after the Department of Finance makes a determination that nonstate funds in an amount sufficient to fully support the activities of the initiative have been deposited with the state, and thereafter only to the extent that nonstate funds are received for the purposes of the bill.

**Status:** Read second time, amended, and re-referred to Sen. Com. on APPR. (last activity 6/22/05)

AB 1217  
Weyland

*Sexual health and HIV/AIDS prevention education*

The 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. The act requires comprehensive sexual health education to teach respect for marriage and committed relationships, and to teach the value of abstinence. This bill would, in addition, require comprehensive sexual health education to provide instruction and materials on sex outside of marriage, and on refraining from making and accepting unwanted physical and verbal sexual advances.

**Status:** Referred to Com. on Ed. (last activity 3/10/05)

AB 1251  
Montanez

*Immunizations*

Existing law declares that it is the intent of the Legislature to provide means for the eventual achievement of total immunization of appropriate age groups against childhood diseases and that the persons required to be immunized be allowed to obtain immunizations from whatever medical source they so desire, subject only to the condition that the immunization be performed in accordance with the regulations of the State Department of Health Services and that a record of the immunization be made in accordance with the regulations. This bill would make technical, nonsubstantive changes to that provision.

**Status:** From printer. May be heard in committee. (last activity 2/25/05)

AB 1597  
Laird

*Drug paraphernalia*

Existing law, with certain exceptions, makes it a misdemeanor for a person to deliver, furnish, transfer, possess with intent to deliver, furnish, or transfer, or manufacture with the intent to deliver, furnish, or transfer, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or

otherwise introduce into the human body a controlled substance. Existing law provides an exception to this general rule by authorizing a public entity, its agents, or employees to distribute 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 authorize a public entity that receives General Fund money from the State Department of Health Services for HIV prevention and education to use that money to support clean needle and syringe exchange projects authorized by the public entity. The bill would authorize the money to be used for the purchase of sterile hypodermic needles and syringes. The bill would require funds allocated for that purpose to be based upon epidemiological data as reported by the health jurisdiction in its local HIV prevention plan submitted to the Office of AIDS.

**Status:** VETOED (last activity 10/07/05)

AB 1677  
Koretz

*Corrections: condom distribution*

Under existing law, the Director of Corrections is responsible for the administration of the state prisons. Existing regulation prohibits inmates from participating in illegal sexual acts. This bill would require the director to allow any nonprofit or health care agency to distribute sexual barrier protection devices, as specified. The bill would state that the distribution of those devices shall not be considered a crime nor shall it be deemed to encourage sexual acts between inmates. The bill would specify that possession of one of those devices shall not be used as evidence of illegal activity for purposes of administrative sanctions. The bill would require that these provisions be implemented in a manner that protects the health and safety of correctional officers.

**Status:** In Senate Com. on APPR: Set, first hearing. Held under submission. (last activity 7/29/05)

AB 1711  
Strickland

*Health facilities: immunizations*

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. Existing law regulates the procedures to be performed on a patient of a health facility, including the administration of medication, upon the specific authorization in the patient medical record or a standing order prepared by authorized medical personnel. Existing regulations of the department authorize the use of standing orders for specified patients when authorized by a person licensed to prescribe and prohibit the use of standing orders in skilled nursing facilities. This bill would authorize a registered nurse or licensed pharmacist to administer in skilled nursing facilities influenza and pneumococcal immunizations to a patient over 50 years of age, pursuant to standing orders and without patient-specific orders, if the immunization standing orders that are not patient specific meet prescribed federal recommendations and are approved by the medical director of the facility.

**Status:** CHAPTERED (last activity 7/18/05)

SB 221  
Runner

*AIDS Drug Assistance Program*

Existing law requires the Director of Health Services, to the extent that state and federal funds are appropriated in the Budget Act for this purpose, to establish a program, known as the AIDS Drug Assistance Program (ADAP), to provide drug treatments to persons infected with human immunodeficiency virus (HIV). This bill would make a technical, nonsubstantive change to that provision.

**Status:** To Com. on Rls. (last activity 2/24/05)

SB 235  
Denham

*HIV exposure: penalties*

Existing law makes it a felony for a person to expose another to HIV by engaging in unprotected sexual activity when the infected person knows at the time of the unprotected sex that he or she is infected with HIV, has not disclosed his or her HIV-positive status, and acts with the specific intent to infect the other person with HIV. Existing law makes that felony punishable by imprisonment in the state prison for 3, 5, or 8 years and specifies that evidence that the person had knowledge of his or her HIV-positive status, without additional evidence, is not sufficient to prove specific intent. This bill would make it a crime for any person to expose another to HIV by engaging in unprotected sexual activity when the infected person knows at the time of the unprotected sex that he or she is infected with HIV and has not disclosed his or her HIV-positive status to the other person prior to engaging in the unprotected sex, with willful or wanton disregard for the health of the other person.

The new crime would be punishable with imprisonment in a county jail for a period not to exceed one year or by imprisonment in a state prison for 2, 3, or 4 years.

**Status:** Set, second hearing. Failed passage in Sen. Com. on PUB. S (3-3). Reconsideration granted. (last activity 4/26/05)

SB 945  
Soto

*HIV testing*

(1) Existing law requires each county designated by the Director of Health Services to make the test for the presence of antibodies to the probable causative agent of AIDS available on a confidential basis at an alternative test site through use of a coded system with no linking of individual identity with the test request or results. Existing law prohibits the county and anyone else administering the test at an alternative test site to ask for the name, social security number, or any other information that could reveal the identity of the individual who takes the test. Notwithstanding any other provision of law or regulation, this bill would require health care providers and laboratories to report cases of HIV infection to the local health officer using the patient's name. The bill would require local health officers to report unduplicated HIV cases by name to the department. By imposing new duties on a county, this bill would impose a state-mandated local program. (2) Existing law provides privacy protections for individuals who are the subject of blood testing for antibodies to the probable causative agent of AIDS. This bill would instead specify that those privacy protections apply to individuals who are tested for HIV. (3) Existing law provides for civil or criminal penalties for any person who negligently or willfully discloses results of an HIV test to any 3rd-party in a manner that identifies or provides identifying characteristics of the person to whom the test results apply, with exceptions. However, existing law specifies that these provisions impose no sanction for disclosure of an HIV test in accordance with any reporting requirement for a diagnosed case of AIDS by the department or the Centers for Disease Control and Prevention under the United States Public Health Service. This bill would additionally provide that these provisions do not impose any sanction for disclosure of an HIV test in accordance with any reporting requirement for a diagnosed case of HIV by the department or the Centers for Disease Control and Prevention under the United States Public Health Service. (4) Existing law prohibits a physician and surgeon from disclosing any identifying information about a patient under his or her care who has tested positive for infection by the probable causative agent of AIDS. This bill would change references to "the probable causative agent of AIDS" to "HIV" and would prohibit a physician and surgeon from disclosing any identifying information about that infected patient to any entity other than the local health officer. (5) Existing law refers to "the test for the antibody to the probable causative agent for AIDS." This bill would change those references to "the test for the antibody to HIV" or "the test for HIV." The bill would make other conforming changes.

**Status:**In Sen. Com. on Judiciary. Testimony taken. Hearing postponed by committee. (last activity 5/03/05)

## Emergency Medical Services

- AB 254  
Nakanishi      *Emergency medical services: automatic external defibrillators*  
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 established by the Emergency Medical Services Authority and the authority has approved a plan. Existing law authorizes the authority to establish minimum standards for the training and other use of automatic external defibrillators and requires persons or entities that acquire the defibrillators to comply with maintenance, testing, and training requirements, which are scheduled to change on January 1, 2008. Existing law, until January 1, 2008, provides immunity from civil damages for those persons or entities, and sets forth tenant notice and other requirements for building owners in which an AED is placed. This bill would set forth a principal's staff-notification and other duties for an AED placed in a public or private K-12 school.  
**Status: CHAPTERED** (last activity 7/25/05)
- AB 586  
Negrete  
McLeod      *Medical disaster mobilization*  
Pursuant to the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, the Emergency Medical Services Authority is established within the California Health and Human Services Agency to administer the emergency medical services system to coordinate and integrate effective and efficient emergency medical services throughout the 58 counties of the state. The EMS Act, in part, requires that the authority develop planning and implementation guidelines for emergency medical services systems receive implementation plans from local EMS agencies, assess each EMS area, and provide technical assistance to local agencies for the purpose of developing the components of the EMS systems. The EMS Act provides for coordination of services with other state agencies, establishes the Interdepartmental Committee on Emergency Medical Services to advise the authority, provides personnel standards, and provides for local administration of county EMS programs. Existing law requires the authority, in consultation with the Office of Emergency Services, to respond to any medical disaster by mobilizing and coordinating emergency medical services mutual aid resources to mitigate health problems. Existing law, the California Emergency Services Act, subdivides the state emergency services organizations into mutual aid regions, as defined, for the purpose of facilitating the coordination of mutual aid and other emergency operations. The law defines an operational area for this purpose as an intermediate level of state emergency services organization, consisting of a county and all political subdivisions within a county. This bill would authorize the local EMS agency administrator, if any, and the local health officer to jointly appoint a medical/health operational area coordinator, and would designate the medical/health operational area coordinator, if any, in cooperation with various agencies, as the person responsible for ensuring the development of a medical and health disaster system, as defined. The bill would require the State Department of Health Services and the Emergency Medical Services Authority to adopt related regulations.  
**Status:** In Sen. Com. on Health: Set, second hearing. Hearing canceled at the request of author. (last activity 6/23/05)
- AB 1050  
Gordon      *Emergency receiving centers: demonstration project*  
Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to provide statewide coordination of local county EMS programs. Existing law establishes the State Department of Health Services and sets forth its powers and duties, including, but not limited to the licensing and regulation of health facilities, with certain exceptions. Existing law establishes hospital requirements relating to emergency medical services, including, but not limited to a public notice requirement prior to reducing or eliminating emergency medical services, and signage provisions relating to facilities providing standby emergency services. This bill would require the department, in conjunction with the authority to establish a demonstration project to determine the potential impact emergency receiving centers would have upon the state's emergency medical services system and to report to the Legislature by

May 1, 2009.

**Status:** In Asm. Com. on Health: Set, second hearing. Hearing canceled at the request of author. (last activity 4/26/05)

AB 1507  
Pavley

*Cardiac health: automatic external defibrillators: health studios*

Existing law establishes the State Department of Health Services and sets forth its powers and duties, including, but not limited to, conducting a program for the control of cardiovascular disease. Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the State Emergency Medical Services Authority to oversee the local implementation of the emergency medical services system. The EMS act permits each county to establish an EMS program and designate a local EMS service agency (EMS agency). Existing law authorizes the authority to establish minimum standards for the training and use of automatic external defibrillators and requires persons or entities that acquire the defibrillators to comply with maintenance, testing, and training requirements which are scheduled to change commencing January 1, 2008. Existing law, until January 1, 2008, provides immunity from civil damages for those persons or entities. This bill commencing July 1, 2007, and until July 1, 2012, would require every health studio to acquire an automatic external defibrillator, would provide immunity for providing the devices, and would, notwithstanding existing law, establish standards for providing the devices, including, but not limited to, maintenance and staff training regarding proper use. The bill would require each health studio that elects to continue the installation on or after July 1, 2012, to maintain and train personnel in the use of an automatic external defibrillator, and would provide for related immunity.

**Status:** CHAPTERED (last activity 9/30/04)

AB 1559  
Gordon

*Homeland Security Communications Interoperability Bond Act of 2005*

Under existing law, the Director of Homeland Security is the state coordinator of all homeland security activities, including strategy, information analysis related to terrorism, and protection of critical infrastructure from terrorism. The Public Safety Radio Strategic Planning Committee is established for the purpose of improving existing public radio systems and to develop interoperability among public safety departments, and between state public safety departments and local or federal entities. This bill would enact the Homeland Security Communications Interoperability Development Act of 2005, which would require the California Statewide Interoperability Executive Committee (CALSIEC) and the Public Safety Radio Strategic Planning Committee to form a joint committee to prepare a specified report to the Legislature on or before February 1, 2006, with findings and recommendations for implementing a statewide communications interoperability system.

**Status:** In Senate Com. on APPR: Set, first hearing. Held under submission. (last activity 8/25/04)

SB 100  
Alarcon

*Medi-Cal reimbursement: emergency and trauma care*

Existing law provides for 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. This bill would state the intent of the Legislature to increase Medi-Cal reimbursement to a more appropriate rate, particularly with respect to emergency and trauma care.

**Status:** To Com. on Rls. (last activity 2/10/05)

SB 104  
Ortiz

*Public health orders: enforcement*

Existing law authorizes the Director of Health Services and local health officers to issue orders to enforce various health and safety requirements. This bill would authorize local peace officers to enforce the orders of the State Department of Health Services and of local health officers issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and would authorize the state director and the local health officer to consider whether a request for enforcement assistance would necessitate advising regarding measures to be taken to prevent infection of enforcement officers when requesting assistance in enforcement of their orders. 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, bioterrorist attacks and other public health emergencies. Existing law provides that these procedures apply only when local health jurisdictions are designated by a federal or state agency to manage the funds for

public health preparedness and response to bioterrorist attacks and other public health emergencies, pursuant to a federally approved plan. Existing law also provides that federal funding received by the State Department of Health Services for bioterrorism preparedness and emergency response is subject to appropriation in the annual Budget Act commencing with the 2003-04 fiscal year. This bill would deem moneys made available in the 2004-05 Budget Act for bioterrorism preparedness available for expenditure and encumbrance until August 30, 2006.

**Status:** CHAPTERED (last activity 10/04/05)

SB 266  
Romero

*Trauma care*

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to provide, among other things, statewide coordination of county EMS programs, and administration of the Trauma Care Fund. This bill would require the authority to establish a trauma care advisory committee consisting of 21 voting members. The bill would require the committee to develop a statewide trauma care plan, to present the plan to the authority, and to provide the plan to the Legislature along with the authority's comments by January 1, 2007.

**Status:** VETOED. In Senate. To unfinished business. (last activity 10/11/05)

SB 267  
Romero

*Emergency medical services: Trauma Care Fund*

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to, among other things, provide statewide coordination of county EMS programs, and to administer the Trauma Care Fund. Existing law establishes the Trauma Care Fund within the State Treasury and continuously appropriates the fund to the authority for distribution to local EMS agencies. Existing law requires local EMS agencies that receive funding to distribute those funds to eligible trauma centers and authorizes the local EMS agencies to utilize a grant-based system, a reimbursement-based system, or other appropriate methodology to do so. Existing law requires local EMS agencies to determine the distribution amounts for each trauma center and requires minimum distributions for certain trauma centers to assist those centers in ensuring their viability. This bill would repeal all minimum distribution requirements, require local EMS agencies to utilize a competitive grant-based system for allocating the funds, and require local EMS agencies to determine distribution of funds based on new criteria.

**Status:** Read second time. Amended. Re-referred to Asm. Com. on APPR. (last activity 7/06/05)

SB 315  
Margett

*Hospitals: reduction or elimination of emergency medical services: notice*

Existing law, with certain exceptions, requires a hospital that plans to reduce or eliminate emergency medical services to notify various entities at least 90 days before it takes that action. Violation of the laws relating to health facilities is a crime. This bill would additionally require the hospital to notify those entities and all local emergency medical services agencies within the region served by the hospital at least 90 days before a planned reduction or elimination of the level of emergency medical services or closure of the hospital. The bill would require the department to impose a \$10,000 civil penalty on a licensee that does not comply with the notification requirements of the bill, but would authorize the department to waive or reduce the civil penalty if the department finds unusual or extraordinary circumstances that may pose a risk to the health of the local community.

**Status:** To Sen. Com. on Health. Set, second hearing. Hearing canceled at the request of author. (last activity 3/30/05)

SB 339  
Dutton

*Emergency telephone systems*

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency, as defined, within its respective jurisdiction to establish and have in operation a basic system, or be part of a system, that automatically connects a person dialing "911" to an established public safety answering point through normal telephone service facilities. Existing law requires these systems to include police, firefighting, and emergency medical and ambulance services. This bill would require local public agencies operating an emergency telephone system to use primary safety answering points in a triage manner so that callers would receive those services needed or appropriate to the



situation that caused the emergency telephone call.

**Status:** Referred to Com. on E., U. & C. (last activity 3/3/05)

SB 477

*Emergency services: recovery process*

Soto

Existing law, the Disaster Assistance Act, requires that the Director of the Office of Emergency Services provide financial assistance to local agencies for public real property that is damaged or destroyed by a disaster. This bill would authorize the office to establish a model process that would be made available to assist a community in recovering from an emergency proclaimed by the Governor and would provide that the process may consider, among other things, the role of the office as an advisor and facilitator for the community recovery process, procedures to provide that the office has representation onsite as soon as practicable after the Governor proclaims a state of emergency, the role of the office to facilitate the use of temporary services, the role of the office to facilitate the establishment of temporary structures, including local assistance centers, showers and bathroom facilities, and temporary administrative offices, and measures to encourage the participation of nongovernmental organizations in the community recovery process to supplement recovery activities undertaken by federal or local agencies.

**Status:** CHAPTERED (last activity 9/29/05)

SB 499

*Hospitals: emergency medical services elimination*

Alarcon

Existing law generally requires any hospital that provides emergency medical services to, not later than 90 days prior to a planned reduction or elimination of the level of emergency medical services, provide notice of the intended change to the State Department of Health Services, the local government entity in charge of providing health services, and all health care service plans or other entities under contract with the hospital to provide services to enrollees of the plan or other entity. Violation of this requirement is a crime under existing law. This bill would require a hospital, prior to issuing notice to the department of a planned elimination of emergency medical services or closure of the hospital, to prepare a public health and safety report, to submit that report to the county supervisors and the local emergency medical services agency, and to make the report available to the public.

**Status:** VETOED. In Senate. To unfinished business. (last activity 10/11/05)

SB 546

*Office of Emergency Services: public-private partnerships*

Dutton

The California Emergency Services Act sets forth the duties of the Office of Emergency Services in overseeing and coordinating various emergency response programs in the state. This bill would authorize the office to share facilities and systems that would, among other things, include private businesses and nonprofit organizations in a voluntary program that would integrate private sector emergency preparedness measures into governmental disaster planning programs to the extent that the cost of the program is reimbursed by the private sector. The bill would create the Disaster Resistant Communities Account in the General Fund and would require that any new activity undertaken by the office under these provisions is contingent upon the receipt of private donations to the account

**Status:** CHAPTERED (last activity 9/13/05)

SB 748

*Emergency medical services: regional coordination*

Dunn

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to provide statewide coordination of local county EMS programs. This bill would declare the intent of the Legislature to amend this bill to include provisions that would create a system for coordinating emergency medical services on a regional basis.

**Status:** To Com. on Rls. (last activity 3/10/05)

SB 941

*Emergency medical services fund*

Alquist

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS Act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to provide statewide coordination of local county EMS programs. Existing law authorizes a county to establish an emergency medical services fund for

reimbursement of EMS related costs, and provides that the costs of administering the fund shall be reimbursed up to 10% of the amount of the fund. This bill would provide, instead, that the costs of administering the fund shall be based on the actual administrative costs, not to exceed 10% of the amount of the fund. Existing law requires each county to establish within its emergency medical services fund a Physician Services Account, into which each county is required to deposit funds appropriated by the Legislature for purposes of the account. Existing law provides that the costs of administering the account shall be reimbursed by the account, up to 10% of the amount of the account. This bill would provide instead, that the costs of administering the account, either by the county or the department through the emergency services contract-back program be reimbursed by the account based on actual administrative costs not to exceed 10% of the amount of the account. Existing law provides that the County Emergency Medical Services Fund and Physician Services Account shall be used to reimburse physicians and surgeons for losses incurred for services provided to patients that meet 2 criteria. This bill would add to that criteria that the patient does not have health insurance coverage for emergency services and care. The bill would also allow physicians to be eligible to receive payments from the fund for patient care services provided by, or in conjunction with, a properly credentialed nurse practitioner or physician's assistant for care rendered as provided under the bill. Existing law authorizes the reimbursement of physicians and surgeons from the Emergency Medical Services Fund for up to 50% of the amount claimed and requires proportional reimbursement to physicians and surgeons of all funds remaining at the end of the fiscal year in excess of certain reserves. Existing law prohibits a physician from being reimbursed from the Physician Services Account for more than 50% of the losses submitted to the administering agency. This bill would revise reimbursement from the Physician Services Account to delete the 50% maximum, and to require proportional distribution to physicians and surgeons, as to all funds remaining at the end of the fiscal year, not to exceed the total claimed. This bill would require each county establishing a Physicians Services Account in the county emergency medical services fund to annually report on April 15 to the Legislature on the implementation and status of the account. Existing law authorizes a county to adopt a fee schedule to establish a uniform, reasonable, level of reimbursement from the physician services account for reimbursable services. This bill, instead, would require the county to adopt the fee schedule. Existing law requires the administering agency to establish procedures and time schedules for submission and processing of reimbursement claims from the Physicians Services Account submitted by physicians in accordance with these provisions and requires that schedules for payment provide for periodic disbursement of the funds to physicians, at least annually. This bill would require periodic disbursement of the fund at least quarterly. Existing law authorizes payments from the emergency medical services fund for unreimbursed emergency medical services performed on the calendar day on which the services are first performed and the immediately following 2 calendar days. Under existing law, changes would become operative January 1, 2007, including, but not limited to, a prohibition against payments for services provided beyond a 48-hour period of continuous service to the patient. This bill will repeal the January 1, 2007, changes. This bill would also provide for an exception from the requirement that payments be limited to emergency medical services provided on the calendar day on which emergency medical services are first provided and on the immediately following 2 calendar days, for services provided to a patient transferred to a second facility providing a higher level of care for the treatment of the emergency condition. This bill would authorize an administering agency to establish an EMS Fund advisory committee and would, if a specified condition is met, authorize the agency to adopt a special fee schedule to reimburse for services rendered to uninsured trauma patients, from an account containing only up to 15% of the county's EMS Fund share of tobacco tax revenues. The bill would also authorize reimbursement beyond the 2 calendar days after initial treatment. This bill would incorporate additional changes in Section 1797.98a of the Health and Safety Code, proposed by SB 57, to be operative only if SB 57 and this bill are both chaptered and become operative effective January 1, 2006, and this bill is chaptered last.

**Status: CHAPTERED** (last activity 10/07/05)

## Family Health Services

- AB 10  
Daucher      *Appropriate facility placement standards*  
Existing law provides for the licensing and regulation of health facilities, including general acute care hospitals and skilled nursing facilities, by the State Department of Health Services. Existing law requires the California Health and Human Services Agency to set standards for CalCareNet, a statewide Internet-based application to help a consumer find state-licensed long-term care providers. Existing law requires that the agency recommend to the Legislature standards for care navigation, to link consumers to necessary long-term care services and caregivers. This bill would require the State Department of Health Services to select 3 voluntary pilot programs that utilize a documentation tool, if available, to be allowed to charge a fee for long-term care navigation services. The fee would be voluntary and would be charged to non-Medi-Cal seniors and persons with disabilities 18 years of age or older who are at risk for nursing home placement and who would like long-term care navigation services. The bill would declare that, upon appropriation by the Legislature, the fee revenue would serve as matching federal targeted case management dollars to provide funding for Medi-Cal eligible seniors and persons with disabilities at risk of nursing home placement to receive the same long-term care navigation services as persons who utilize the private pay method. This bill would require the department, 24 months after commencement of the pilot programs, to evaluate the pilot programs, and submit this evaluation to the appropriate legislative committees. It would also require the department to seek a federal waiver, to be drafted by a 3rd party approved by the department. The bill would provide that it would be implemented only if the federal waiver is approved and the department determines that implementation of the pilot program is cost-neutral. **Status:** In Sen. Com. on APPR: Placed on Appropriations suspense file. (last activity 8/15/05)
- AB 109  
Chan      *California Children and Families Program*  
(1) The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, First 5 California, with powers and duties relating to the administration of the act on a state level, and authorizes a county's board of supervisors to establish a county children and families commission to administer the act on a county level. Existing law requires county commissions, for each fiscal year, to receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the number of births recorded in all of the counties participating in the California Children and Families Program (for the same period), if certain requirements are met. This bill would add to these requirements (1) that the county commission, in a public hearing, adopt policies regarding conflict of interest of commission members and commission contracting and procurement policies, (2) that the county adopt a limit on the percentage of the county commission's operating budget that may be spent on administrative functions, pursuant to guidelines issued by the state commission, and (3) that the county commission adopt, in a public hearing, policies and processes establishing the salaries and benefits of employees of the county commission. This bill would only become operative if SB 35 of the 2005-06 Regular Session is enacted and becomes operative. **Status:** **CHAPTERED** (last activity 9/22/05)
- AB 116  
Shirley  
Horton      *Child Health and Disability Prevention Program*  
Existing law provides for the Child Health and Disability Prevention (CHDP) Program under the supervision of the State Department of Health Services, pursuant to which certain health and disability prevention treatment services are provided to eligible children. Existing law authorizes certain providers, including physicians licensed to practice medicine in California, to participate in the program if approved by the community child health and disability program director in accordance with program standards and if certified by the department. This bill would also expressly include a licensed osteopath within this list of providers. The bill would provide that a licensed physician, including a licensed osteopath, would be eligible to participate as a CHDP Program provider so

long as he or she holds an unrestricted license to practice medicine or osteopathy, provides primary care services as a family practitioner, pediatrician, internist, or general practitioner, and delivers services as an employee or contractor of a clinic, as specified. The bill would specify that these CHDP provider eligibility provisions shall not be interpreted to limit the types of providers who are eligible to provide early and periodic screening, diagnostic, and treatment services, as defined in federal law, or to exempt physicians from uniformly applied quality assurance standards that are consistent with the bill and federal law.

**Status:** In Asm. Com. on Health. Hearing postponed by committee. (last activity 4/05/05)

AB 172  
Chan

*Universal preschool*

Existing law, the Child Care and Developmental Services Act, establishes various full- and part-time programs for a comprehensive, coordinated, and cost-effective system of developmental services for children to age 14 and their parents. Other existing law, the Kindergarten Readiness Pilot Program, permits, until January 1, 2011, school districts to participate in the program to provide kindergarten preparedness opportunities to increase a child's readiness for school. Existing law requires the Superintendent of Public Instruction to administer state preschool programs including part-time day and preschool appropriate programs for prekindergarten children 3 to 5 years of age. This bill would make certain findings and state the intent of the Legislature with regard to universal preschool. The bill would require the Superintendent of Public Instruction to report to the Legislature by January 1, 2007, on state preschool programs, with certain requirements.

**Status:** Referred to Sen. Com. on Ed. (last activity 6/15/05)

AB 291  
Koretz

*Postpartum mood and anxiety disorders: screening*

Under existing law, the State Department of Health Services is required to maintain a program of maternal and child health, which is administered by the department's Maternal and Child Health Branch. Under existing law, the maternal and child health program includes, among other subjects, pregnancy testing, perinatal health care, and nutrition. This bill would include as a component of the department's program of maternal and child health a requirement that pregnant women and new mothers be screened for postpartum mood and anxiety disorders, at designated intervals. The bill would require a physician or other health care practitioner to review and discuss the screening tool with the patient. The bill would require the physician or other health care practitioner to present the patient with an information sheet on postpartum mood and anxiety disorders, developed or obtained by the department for distribution in accordance with the bill. This bill would provide for the assessment of an administrative fine against a physician or other health care practitioner who violates the bill's requirements, upon the second and subsequent complaints against the physician or other health care practitioner for the violation. The bill would require that all fines collected pursuant to the bill, upon appropriation by the Legislature, be credited to the Contingent Fund of the Medical Board of California to be used by the Office of Women's Health within the department for outreach services that provide information to women about postpartum mood and anxiety disorders.

**Status:** In Asm. Com. on Health: Set, second hearing. Hearing canceled at the request of author. (last activity 4/12/05)

AB 363  
Chu

*Child and Family Service Review System*

Under existing law, the State Department of Social Services oversees the administration of county public social services, including child welfare services. Existing law requires the department to establish, by April 1, 2003, the California Child and Family Service Review System, in order to review, commencing January 1, 2004, all county child welfare systems. Existing law requires the department, beginning with the 2002-03 fiscal year, to report to the Assembly and Senate Budget Committees and appropriate legislative policy committees regarding the department's progress relating to federal and state child and family service reviews. This bill would revise the department's duty to report the above information to instead require the department to provide information to the designated legislative committees. The bill would add to the information required to be provided, to include findings and recommendations for child welfare system improvements identified in county self-assessments and county system improvement plans, including common barriers that inhibit system improvements, and recommendations to overcome the barriers. This bill would, to the extent that funds are appropriated in the annual Budget Act to enable counties to improve their performance

on child welfare service outcome indicators provided for under existing law, require the department, in consultation with counties, to establish a process for allocating those funds to counties, and would require a county, to the extent possible, to use those funds in a manner designed to access additional federal, state, and local funds. This bill would also require the department to include information regarding the allocation and use of the funds as part of its reporting requirement under existing law, as discussed above.

**Status:** **CHAPTERED** (last activity 9/22/05)

AB 468  
Yee

*Interagency responsibilities over handicapped children: mental health assessments*

Existing law requires school districts, county offices of education, and special education local plan areas to comply with state laws that conform to the federal Individuals with Disabilities Education Act, in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. Existing law requires school districts, county offices of education, and special education local plan areas to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program. The law authorizes a local educational agency to refer a pupil suspected of needing mental health services to a community mental health service. This bill would require the local educational agency to obtain a copy of the community mental health service's form for parental consent for assessment, which shall be provided to it by the community mental health service provider and provide the parent with an opportunity to consent to the assessment in advance, and would make conforming changes, thereby imposing a state-mandated local program. The bill would require the appropriate community mental health service to seek additional written consent to provide mental health services. The bill would, with certain exceptions, require the local administering agency to complete the assessment for eligible children within 50 calendar days, thereby imposing a state-mandated local program.

**Status:** In Asm. Com. on APPR: Set, second hearing. Held under submission. (last activity 5/25/05)

AB 470  
Yee

*Mental health assessment and services for children*

Existing law requires school districts, county offices of education, and special education local plan areas to comply with state laws that conform to the federal Individuals with Disabilities Education Act, in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. Existing law requires these local agencies to identify, locate, and assess individuals with exceptional needs and to provide those pupils with free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program. The law authorizes a local educational agency to refer a pupil suspected of needing mental health services to a community mental health service. Existing law, the Mental Health Services Act (hereafter, the act) establishes the Mental Health Oversight and Accountability Commission, and imposes a tax of 1% on incomes above \$1,000,000 for the purpose of financing new or expanded mental health services. The act, an initiative measure (Proposition 63 approved by the voter November 2, 2004), prohibits a decrease in other funding levels for pre-existing mental health programs below the 2002-03 fiscal year levels, and prohibits a change in the structure of financing mental health services which increases the county's share of costs or risk unless full compensation is provided. This bill would require county mental health agencies to provide a mental health assessment and all necessary mental health services for children whose families are recipients of prescribed general assistance benefits, or who are ward or dependent children of the court.

**Status:** In Asm. Com. on Health: Set, first hearing. Hearing canceled at the request of author. (last activity 4/05/05)

AB 525  
Chu

*Health care*

Existing law establishes the Access for Infants and Mothers (AIM) Program, administered by the Managed Risk Medical Insurance Board, to provide health insurance coverage for certain eligible persons who pay a subscriber contribution. The AIM Program provides coverage, at a minimum, to subscribers during one pregnancy, and for 60 days thereafter, and to children less than 2 years of age who were born of a pregnancy covered under this program to a woman enrolled in the program

before July 1, 2004. This bill would prohibit the board from imposing 3 requirements as conditions of eligibility for the AIM Program. 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 certain other low-income persons. Existing law requires the department, to the extent that federal financial participation is available, to provide Medi-Cal benefits to eligible individuals who meet certain income and resource standards, including to individuals eligible through the exercise of options under federal law made available to and exercised by the state. This bill would require the department, to the extent that federal financial participation is available, to provide for the eligibility of pregnant women beginning in the first trimester of pregnancy. The bill would require, if a federal waiver or federal approval is necessary, the department to submit a request for the waiver or approval by March 1, 2006. Existing law requires the department, to the extent that federal financial participation is available, to exercise its option under federal law to expand eligibility for Medi-Cal by establishing the amount of countable resources individuals or families are allowed to retain at the same amount medically needy individuals and families are allowed to retain, with an exception for a family of one. This bill would, by March 1, 2006, require the department, to the extent federal financial participation is available, to exercise an option under federal law, if one exists, to exempt pregnant women from any asset standard, including an asset standard under this resource standard, or to seek a federal waiver if a federal option does not exist. Existing law requires the State Department of Health Services to implement, as a Medi-Cal program benefit, a program to provide comprehensive clinical family planning services to any person who has a family income at or below 200% of the federal poverty level, as revised annually, and who is otherwise eligible to receive these services, to be known as the Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program. This bill would provide that certain individuals who are, or who would be, but for being pregnant at the time of application, eligible for Family PACT Waiver Program benefits shall be deemed to be eligible under certain circumstances for pregnancy-related care and breast and cervical cancer screening and treatment, to the extent federal financial participation is available, and for diagnostic and other treatment for certain other cancers that threaten reproductive capability. This bill would also provide that any individual who has undergone screening under these provisions who would be eligible for Family PACT Waiver Program benefits, but for an income in excess of 200% of the federal poverty level, and who meets certain requirements, shall be deemed to be eligible for the AIM program. This bill would require the department to develop and implement, for purposes of implementing these provisions related to Family PACT Waiver Program benefits, an enrollment system, and a card to be known as the Health Access Programs Card, by July 1, 2006. Under existing law, counties are responsible for determining eligibility for benefits under the Medi-Cal program. By revising eligibility standards for the receipt of benefits under the Medi-Cal program, this bill would impose a state-mandated local program. Under existing law, certain dental services are covered Medi-Cal benefits. This bill would declare that the Legislature has appropriated money in the Budget Act of 2001 and each subsequent Budget Act, for the provision under the Medi-Cal program of nonemergency benefits for the prevention and treatment of dental and periodontal disease for all beneficiaries during pregnancy to prevent premature deliveries and low birthweights. The bill would require the department to immediately implement the provision of these services by informing Dental and other Medi-Cal providers through provider bulletins that these benefits are included for all pregnant beneficiaries. The bill would provide that the implementation of this provision shall not be delayed pending adoption of administrative regulations.

**Status:** In Asm. Com. on APPR: Hearing postponed by committee. (last activity 5/25/05)

AB 624  
Montanez

*Medi-Cal program: Healthy Families Program: Child Health and Disability Prevention (CHDP) program*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health services to an eligible person. Existing law establishes the Child Health and Disability Prevention (CHDP) program, administered by the department, to provide early and periodic assessments of the health status of children. Under existing law, benefits under the Medi-Cal program provided to an individual pursuant to a preliminary determination end,

without the necessity for any further review or determination by the department, on or before the last day of the month following the month in which the preliminary determination was made, unless an application for medical assistance is filed on or before that date. If an application for medical assistance is filed before this deadline, preliminary benefits continue until the regular eligibility determination based on the application has been completed. Existing law requires the department to develop an electronic application to serve as the application for pre-enrollment into the Medi-Cal program or the Healthy Families Program and to also serve as an application for the CHDP program. This bill would require, by July 1, 2007, the department to modify the electronic pre-enrollment application process to include a process to be used, at the option and with the written consent of the person applying on the child's behalf, to simultaneously pre-enroll and apply for enrollment into the Healthy Families Program or Medi-Cal program, which shall include an application to provide for continuing preliminary benefits until a final eligibility determination is made. This bill would provide that its provision shall be implemented only if and to the extent that an appropriation is made for that purpose in the annual Budget Act or another statute.

**Status:** VETOED (last activity 10/07/05)

AB 686  
Chu

*Children's services*

Existing law provides for the California Children's Services Program, which is administered by the State Department of Health Services and under which services are provided to physically handicapped children under 21 years of age. Under existing law, the State Director of Health Services establishes standards relating to local administration and minimum services to be offered by counties in conducting the program. Existing law requires all claims for services provided under the program to be submitted to the state fiscal intermediary for payment. Existing law establishes in state government the Bureau of State Audits, whose duties are to examine and report annually upon the financial statements prepared by the executive branch and to perform other related assignments, including performance audits, that are mandated by statute and may conduct these audits of any state agency, any local governmental agency, including any city, county and school or special district, or any publicly created entity. The State Auditor is also required to conduct any audit of a state or local governmental agency or any other publicly created entity that is requested by the Joint Legislative Audit Committee, as specified. This bill would require the State Auditor to conduct an audit of the state's processing of claims for services as they relate to the California Children's Services Program and to issue and provide the audit report to the Legislature no later than May 31, 2006. The bill would require the State Auditor to provide to specified legislative committees an analysis of the auditee's one-year status report on the auditee's implementation of the recommendations contained in the audit report. The bill would remain in effect only until January 1, 2011, and as of that date would be repealed.

**Status:** In Asm. Com. on Health: Set, second hearing. Hearing canceled at the request of author. (last activity 4/26/05)

AB 696  
Chu

*Public social services: CalWORKs and Food Stamp Program*

Existing law requires the State Department of Social Services and the California Health and Human Services Agency Data Center to design, implement, and maintain a statewide fingerprint imaging system for use in connection with the determination of eligibility for benefits under the CalWORKs program, excluding the Aid to Families with Dependent Children-Foster Care program, and the Food Stamp Program. Existing law, with specified exceptions, requires applicants for, and recipients of, CalWORKs and Food Stamp Program benefits, as a condition of eligibility, to be fingerprint imaged, pursuant to the statewide fingerprint imaging system. This bill, instead, would require the department and the Office of Systems Integration to design, implement, and maintain the system. The bill would require the fingerprint imaging system to apply to use under the Food Stamp Program only to the extent the applicants for, or recipients of, food stamps also apply for or receive designated nonhealth benefits associated with county aid and relief to indigents.

**Status:** VETOED (last activity 10/07/05)

AB 711  
Chan

*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

certain household income requirements. Existing law requires the board to expand the program to uninsured parents of, and adults responsible for, children enrolled in the program, 4 months after a federal waiver making available federal funds for that purpose and after appropriation of state matching funds. Existing law creates the Healthy Families Fund, which is continuously appropriated to the board for the purposes of funding the Healthy Families Program. This bill would require the board to expand the program to those uninsured parents and adults pursuant to that waiver no later than May 15, 2006. The bill would also delete the provisions requiring the appropriation of state matching funds in order to expand the program. Because the bill would result in increased expenditures from the Healthy Families Fund, it would make an appropriation.

**Status:** In Asm. Com. on APPR: set, second hearing. Held under submission. (last activity 5/25/05)

AB 772  
Chan

*California Healthy Kids Insurance Program*

(1) Existing law establishes various public programs to provide health care coverage to eligible children, including the Medi-Cal program administered by the State Department of Health Services and county welfare agencies, and the Healthy Families Program administered by the Managed Risk Medical Insurance Board. Children through 18 years of age are eligible for health care coverage under these programs if they meet certain household income and other requirements. Existing law authorizes information sharing with respect to children eligible for free school lunches in order to facilitate their enrollment in the health care programs. This bill would create the California Healthy Kids Insurance Program, which would consist of the portion of the Medi-Cal program that provides health care coverage to children and the Healthy Families Program. The bill would require that the California Healthy Kids Insurance Program be operated as a joint partnership by the State Department of Health Services and the Managed Risk Medical Insurance Board in a streamlined manner, with eligible children to be enrolled in one program or the other, as appropriate. The bill would accelerate the process for making eligibility determinations for the California Healthy Kids Insurance Program by authorizing the administering agencies to rely on income eligibility determinations made by other public assistance programs, including reduced price school lunch programs, the California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and the Food Stamp Program. The bill would require the administering agencies to request documentation and verify information only to the extent necessary to determine eligibility and as required by federal law. The bill would provide simplified annual renewals of eligibility by self-certification by recipients. The bill would expand eligibility for the Healthy Families Program and the Healthy Families Program element of the California Healthy Kids Insurance Program by allowing children with family incomes up to 300% of the federal poverty level to qualify and by otherwise liberalizing enrollment requirements. The bill would enact certain privacy and confidentiality provisions relative to Healthy Families Program applicants and enrollees. The bill would create the California Healthy Kids Expert Panel to advise the administering agencies on various matters. The bill would require the administering agencies to award local enrollment investment grants from available funds to local and regional children's health initiative activities designed to increase and retain the enrollment of children in health care coverage. The bill would require the Secretary of the Health and Human Services Agency to coordinate local children's health insurance programs with certain state and federally funded programs. The bill would require the Managed Risk Medical Insurance Board to undertake pilot demonstration projects to test strategies and gather data relative to increasing health care coverage for uninsured children in families with incomes above 300% of the federal poverty level. The bill would require the board to develop materials for distribution by state agencies to small business employers regarding availability of purchasing pool coverage. The bill would require the California Health and Human Services Agency in conjunction with the Secretary of Labor and Workforce Development and the Secretary of Business, Transportation and Housing to establish a task force relative to increasing employer health care coverage of children. The bill would make various related modifications to the Medi-Cal program and the Healthy Families Program. The bill would enact related provisions and state the intent of the Legislature relative to certain other provisions, and would provide for a phase-in of its provisions over several years. Because the modifications to the Medi-Cal program would impose certain duties on counties relative to administration of that program, the bill would impose a state-mandated local program. (2) Existing law creates the Healthy Families Fund, and provides that money in the fund is continuously appropriated for purposes of the Healthy Families Program. This bill would provide that the



Managed Risk Medical Insurance Board may implement the provisions of the bill only to the extent that funds are appropriated for the purposes of the bill in the annual Budget Act or in another statute.  
**Status:** VETOED (last activity 10/07/05)

AB 855

Bass

*CalWORKs*

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families. Under federal law, an individual convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance, as defined, shall not be eligible for assistance under any state program funded under provisions of federal law regarding the TANF program. Existing law authorizes a state to exempt any or all individuals domiciled in the state from the application of this prohibition. Existing law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined under federal law or the California Uniform Controlled Substances Act, is ineligible for aid under the CalWORKs program. Existing law also requires a county to issue vouchers or vendor payments for at least rent and utilities payments for a family receiving aid that includes an individual who is ineligible for aid pursuant to these provisions. This bill would, instead, provide that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive CalWORKs benefits if he or she meets certain conditions of eligibility. This bill would retain the existing law requirement that a county issue vouchers or vendor payments for at least rent and utilities payments for a family receiving aid that includes an ineligible individual. By revising standards of eligibility for benefits under the CalWORKs program, this bill would increase the responsibilities of counties, and would impose a state-mandated local program. Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program. This bill would instead provide that no appropriation would be made for purposes of the bill.

**Status:** VETOED (last activity 10/07/05)

AB 1179

Yee

*Community care facilities: foster children: injections*

Existing law regulates the licensure of community care facilities by the State Department of Social Services and authorizes a community care facility to provide certain incidental medical services. Existing law authorizes facility staff who are not licensed health care professionals to provide incidental medical services in a community care facility for adults if, among other things, they are trained by a licensed health care professional and supervised according to an individualized health care plan for clients which is prepared by a health care team and reassessed at least every 12 months or as more frequently determined by the client's physician or nurse practitioner. This bill would authorize designated foster care providers to administer injections for diabetes and anaphylactic shock, or other prescribed medication, to a foster child, if the provider is trained to administer injections by a licensed health care professional. The bill would require the licensed health care professional to periodically review, correct, or update this training as the health care professional deems necessary and appropriate.

**Status:** To inactive file on motion of Senator Machado. (last activity 7/05/05)

AB 1378

Lieber

*Developmental services facilities*

(1)Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the monitoring of services. Existing law requires the department to develop a plan for the proposed closure of any developmental center. This bill would authorize the department to operate any facility, provide employees to assist in the operation of any facility, provide other necessary services and supports, or contract with any entity for the use of the department's employees to provide services in furtherance of an orderly closure of Agnews

Developmental Center. (2) Existing law sets forth the rules relating to the liability of government agencies for tort injury caused by the action or omission of its officers or employees, including, but not limited to, the operation of mental institutions or medical facilities. This bill would define "mental institution" or "medical facility" for this purpose to also include a developmental services facility, as defined. (3) Existing law prohibits a retired, dismissed, separated, or formerly employed person of any state agency or department employed under the state civil service or otherwise appointed to serve in state government, within 2 years of the date the person left state employment, from entering into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decisionmaking process relevant to the contract while employed in any capacity by any state agency or department. For a period of 12 months following the date of his or her retirement, dismissal, or separation from state service, existing law prohibits a person employed under state civil service or otherwise appointed to serve in state government from entering into a contract with any state agency if he or she was employed by that state agency in a policymaking position in the same general subject area as the proposed contract within the 12-month period prior to his or her retirement, dismissal, or separation. This bill would make these provisions inapplicable to any person who, in connection with the closure of Agnews Developmental Center, provides developmental services.

**Status:** CHAPTERED (last activity 10/05/05)

AB 1396  
Garcia

*Healthy Families and Medi-Cal programs: outreach assistance*

Existing law creates the Healthy Families Program, which provides health care coverage to children in families with limited incomes but who are ineligible for full coverage under the Medi-Cal program. Existing law creates the Medi-Cal program, which provides health care coverage to persons meeting certain limited income criteria. This bill would appropriate \$1,298,000 from the General Fund and \$1,824,000 from federal funds from the Federal Trust Fund to the Managed Risk Medical Insurance Board in order to restore an application assistance program for the Healthy Families and Medi-Cal programs. The bill would declare that it is to take effect immediately as an urgency statute.

**Status:** In Asm. Com. on APPR: Set, second hearing. Held under submission. (last activity 5/25/05)

AB 1533  
Bass

*Health care coverage*

Existing law governs the licensure and regulation of health care service plans and insurers, and makes a willful violation of the provisions governing health care service plans a crime. Existing law defines a "late enrollee" as an eligible employee or dependent who has declined health coverage under the health benefit plan offered through employment or sponsored by an employer at the time of the initial enrollment period provided under the terms of the health benefit plan and who subsequently requests enrollment in that plan. Existing law provides exceptions under which an eligible employee or dependent is not considered a late enrollee. This bill would add to those exceptions an individual, or his or her dependent, who has lost or will lose Healthy Families Program coverage as a result of exceeding the program's income or age limits and who requests enrollment within 30 days after termination of coverage.

**Status:** CHAPTERED (last activity 10/05/05)

AB 1535  
Bass

*Developmental services*

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the monitoring of services. This bill would require the department to prepare, or contract with an appropriate research entity to prepare, a report every three years that sets forth expenditures for the purchase of services and denials of eligibility for the prior three fiscal years for each regional center, and statewide, aggregated by race and ethnicity of the consumers, would require the department to post the information on its Internet Web site, and would require the regional center to submit related information and to include a link to the department's reports on its Web site, if any.

**Status:** To inactive file on motion of Senator Perata. (last activity 9/08/05)

AB 1645 Matthews	<p><i>Regional center services</i></p> <p>Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families. Existing law prohibits, during the 2004-05 fiscal year, the department from establishing any permanent payment rate for a community-based day program or in-home respite service agency provider that has a temporary payment rate in effect on June 30, 2004, if the permanent payment rate would be greater than the temporary payment rate in effect on or after June 30, 2004, unless the regional center demonstrates to the department that the permanent payment rate is necessary to protect the consumers' health or safety. This bill would delete that prohibition and would, commencing July 1, 2005, require the department to establish permanent payment rates for community-based day programs and in-home respite agency providers who have been reimbursed under a temporary payment rate for 18 months or more, and would require the rate to go into effect commencing July 1, 2005.</p> <p><b>Status:</b> Re-referred to Asm. Com. on HUM. S. (last activity 4/26/05)</p>
AB 1667 Saldana	<p><i>Pupil health: individuals with exceptional needs: specialized physical health care services</i></p> <p>Existing law provides that any individual with exceptional needs who requires specialized physical health care services, as defined, during the regular schoolday, may be assisted by certain specified individuals. This bill would, instead, provide that any individual with exceptional needs, any pupil with a disability, as described, and any other pupil who requires specialized physical health care services, during the regular schoolday, may be assisted by certain specified individuals. The bill would expand the definition of "specialized physical health care services" to include the administration of medication, with certain exceptions.</p> <p><b>Status:</b> To inactive file on motion of Senator Maldonado. (last activity 9/01/05)</p>
AB 1689 Lieber	<p><i>EPSDT services</i></p> <p>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 certain other low-income persons. Existing law provides for the Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT), which provides certain mental health and other medical services to Medi-Cal beneficiaries and other qualified persons. Under existing law, each county contracting with the state for the provision of mental health services for certain children is required to have in place, with qualified mental health personnel, various elements of a program to provide mental health services to eligible children. This bill would require any participating county contracting with a provider for EPSDT services to include in the contract terms and conditions in which the contracting county agrees to pay for those services provided by the contractor to residents of another county, and would provide for the reimbursement of counties that pay for those services for children who are not residents of the county.</p> <p><b>Status:</b> In Asm. Com. on Health. Set, first hearing. Hearing canceled at the request of author. (last activity 5/03/05)</p>
AB 1701 Bass	<p><i>Birth Defects Monitoring Program: fees</i></p> <p>Existing law establishes the Health Statistics Special Fund, provides for deposit of prescribed fees into the fund, and sets forth the purposes for which the fund may be expended, upon appropriation by the Legislature, including, but not limited to, building a data system that will support new programs. Under existing law a bill that makes changes in state taxes for the purpose of increasing revenue requires approval by 2/3 vote of each house of the Legislature. This bill would establish the Birth Defects Monitoring Program, would require the assessment of an additional \$2 for every certified copy of a death certificate, thereby imposing a state tax for purposes of increasing revenue. The bill would require deposit of the revenue into the Birth Defects Monitoring Account within the fund.</p> <p><b>Status:</b> In Asm. Com. on APPR. Set, second hearing. Held under submission. (last activity 5/25/05)</p>
SB 23 Migden	<p><i>Healthy Families Program and Medi-Cal</i></p> <p>Existing law requires the Employment Development Department to administer the unemployment compensation system, under which employers pay contributions to the department to fund the</p>

system. The department also collects other amounts from employers, including remittances of personal income taxes withheld by employers from employees. Existing law also provides that specified duties be performed by the State Department of Health Services, including those associated with the administration of the Medi-Cal program. Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health care services to children less than 19 years of age who meet certain criteria, including having a limited gross household income. Existing law requires families with children participating in the program to pay specified family contribution amounts. This bill would require the board, in collaboration with the State Department of Health Services, to develop an informational document that may be referred to as the "Healthy Families/Medi-Cal Workplace Notice," containing certain information about the Healthy Families Program and Medi-Cal. The bill would require the Employment Development Department to notify employers, as specified, who would be required to provide the notice to their employees. This bill would also require the board to establish processes that would allow an employer to elect to allow employees to have the family contribution payments for health care coverage under the Healthy Families Program deducted from the employee's pay and transmitted to the board by the employer, or to have the contribution payments transferred from a designated financial institution to the board. This bill would incorporate additional changes to Section 12693.43 of the Insurance Code made by AB 772 to become operative only if this bill and AB 772 are both enacted and this bill is enacted last.

**Status:** VETOED. In Senate. To unfinished business. (last activity 10/11/05)

SB 35  
Florez

*California Children and Families Program*

The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, First 5 California, with powers and duties relating to the administration of the act on a state level, and authorizes a county's board of supervisors to establish a county children and families commission to administer the act on a county level. Existing law requires county commissions, for each fiscal year, to receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the number of births recorded in all of the counties participating in the California Children and Families Program (for the same period), if certain requirements are met. Existing law requires each county commission, on or before October 15 of each year, to conduct an audit of, and issue a written report on the implementation and performance of, its functions during the preceding fiscal year, and requires the state commission to prepare a written report that consolidates, summarizes, analyzes, and comments on the annual audits and reports submitted by all of the county commissions. This bill would require each county commission, on or before November 1 of each year, to submit its audit and report to the state commission. It would require the report to be in a format prescribed by the state commission, if the state commission approves that format in a public meeting prior to the fiscal year in which it is to be utilized. The bill would require that the state commission's report include a listing, by category, of the aggregate expenditures on program areas funded by the state and county commissions. It would also authorize the state commission to withhold funds that would otherwise be allocated to the county commission from the California Children and Families Trust Fund in the event a county commission does not submit required information for the written report. This bill, in addition, would require the Controller to issue guidelines for expanded annual audits of each county commission and associated quality control functions, subject to funding by the state commission, and to present the final audit guidelines and implementation plan to the state commission in a public meeting on or before April 30, 2006. This bill would only become operative if AB 109 of the 2005-06 Regular Session is enacted and becomes operative.

**Status:** CHAPTERED (last activity 9/22/05)

SB 38  
Alquist

*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 services to an eligible person. Existing law provides that a child less than 19 years of age meeting specified requirements, including coming from a family with an annual or monthly household income equal to or less than 200% of the federal poverty level is an eligible person. Existing law also provides that all income over 200% of the federal poverty level, but less than or equal to 250%, is to be disregarded in calculating annual or monthly household income. This bill would state the intent of the Legislature to instead provide that income over 200% of the federal poverty level but less than or equal to 300% is to be disregarded in calculating annual or monthly household income.

**Status:** In Assembly. Read first time. Held at Desk. (last activity 6/02/05)

SB 147  
Runner

*Fetal pain prevention*

Existing law, the Therapeutic Abortion Act, contains provisions regulating abortions, including a requirement that the procedure be performed by a physician and surgeon. This bill enact the Unborn Child Pain Awareness Act of 2005, to, require, with an exemption for medical emergency, the physician performing the abortion to offer to the pregnant woman information and counseling on fetal pain. This bill would require the State Department of Health Services to develop a related brochure and a waiver form, would require the California Medical Board to adopt regulations for revocation or suspension of medical licenses for violation of these provisions, and would authorize the Attorney General and the woman or her family to bring a civil action for damages and penalties for violation of these provisions.

**Status:** To Sen. Com. on Health. Set, second hearing. Hearing canceled at the request of author. (last activity 4/05/05)

SB 436  
Migden

*Foster care: transitional housing*

Existing law provides that a person less than 21 years of age who has emancipated from a county that has elected to participate in a transitional housing placement program for youths between 18 and 21 years of age who meet certain conditions, shall also be eligible for a county transitional housing placement program that provides supervised housing services. Existing law establishes the Transitional Housing for Foster Youth Fund, which is continuously appropriated for purposes of paying the state share of the cost relating to transitional housing services for eligible emancipated foster youth.

**Status:** **CHAPTERED** (last activity 10/07/05)

SB 437  
Escutia

*California Healthy Kids Insurance Program*

(1) Existing law establishes various public programs to provide health care coverage to eligible children, including the Medi-Cal program administered by the State Department of Health Services and county welfare agencies, and the Healthy Families Program administered by the Managed Risk Medical Insurance Board. Children through 18 years of age are eligible for health care coverage under these programs if they meet certain household income and other requirements. Existing law authorizes information sharing with respect to children eligible for free school lunches in order to facilitate their enrollment in the health care programs. This bill would create the California Healthy Kids Insurance Program, which would consist of the portion of the Medi-Cal program that provides health care coverage to children and the Healthy Families Program. The bill would require that the California Healthy Kids Insurance Program be operated as a joint partnership by the State Department of Health Services and the Managed Risk Medical Insurance Board in a streamlined manner, with eligible children to be enrolled in one program or the other, as appropriate. The bill would accelerate the process for making eligibility determinations for the California Healthy Kids Insurance Program by authorizing the administering agencies to rely on income eligibility determinations made by other public assistance programs, including reduced price school lunch programs, the California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and the Food Stamp Program. The bill would authorize applicants for the California Healthy Kids Insurance Program to self-certify their family income and other eligibility factors, and would provide for the administering agency to request documentation and verify information only to the extent necessary to determine eligibility and as required by federal law. The bill would expand eligibility for the Healthy Families Program and the Healthy Families Program element of the California Healthy Kids Insurance Program by allowing children with family incomes up to 300% of

the federal poverty level to qualify and by otherwise liberalizing enrollment requirements. The bill would enact certain privacy and confidentiality provisions relative to Healthy Families Program applicants and enrollees. The bill would create the California Healthy Kids Expert Panel to advise the administering agencies on various matters. The bill would require the administering agencies to award local enrollment investment grants from available funds to local and regional children's health initiative activities designed to increase and retain the enrollment of children in health care coverage. The bill would require the Secretary of the Health and Human Services Agency to coordinate local children's health insurance programs with certain state and federally funded programs. The bill would make various related modifications to the Medi-Cal and Healthy Families programs. The bill would require the Managed Risk Medical Insurance Board to undertake pilot demonstration projects to test strategies and gather data relative to increasing health care coverage for uninsured children in families with incomes above 300% of the federal poverty level. The bill would require the board to develop materials for distribution by state agencies to small business employers regarding availability of purchasing pool coverage. The bill would require the California Health and Human Services Agency in conjunction with the Secretary of Labor and Workforce Development and the Secretary of Business, Transportation and Housing to establish a task force relative to increasing employer health care coverage of children. The bill would enact related provisions and state the intent of the Legislature relative to certain other provisions, and would provide for a phase-in of its provisions over several years. Because the modifications to the Medi-Cal program would impose certain duties on counties relative to administration of that program, the bill would impose a state-mandated local program. (2) Existing law creates the Healthy Families Fund, and provides that money in the fund is continuously appropriated for purposes of the Healthy Families Program. This bill would provide that the Managed Risk Medical Insurance Board may implement this act, including the expansion of the Healthy Families Program, only to the extent that funds are appropriated for the purposes of the act in the annual Budget Act or in another statute.

**Status:** Placed on inactive file on request of Assembly Member Keene. (last activity 9/07/05)

SB 456  
Runner

*Access for Infants and Mothers (AIM): federal funding*

Existing law provides for the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health care services to children under 19 years of age. The Healthy Families Program is supported from allocations from the federal State Children's Health Insurance Program (SCHIP). Existing law establishes the Access for Infants and Mothers (AIM) Program, administered by the Managed Risk Medical Insurance Board, to provide health insurance coverage for certain eligible persons who pay a subscriber contribution. The AIM Program provides coverage, at a minimum, to subscribers during one pregnancy, and for 60 days thereafter, and to children less than 2 years of age who were born of a pregnancy covered under this program to a woman enrolled in the program before July 1, 2004. Existing law establishes the Perinatal Insurance Fund in the State Treasury as a continuously appropriated fund to be used for the purposes of the AIM Program. The primary source of moneys in the fund is contributions from subscribers. This bill would provide that federal moneys allocated to the state under SCHIP shall also be expended by the board to support the AIM Program and to support prenatal services provided through Medi-Cal. The bill would require that the moneys received for this purpose shall be deposited in the Perinatal Insurance Fund. The bill would provide that this provision shall be implemented only to the extent that federal financial participation is available. Because the bill would add a new source of revenue for deposit in a continuously appropriated fund, the bill would make an appropriation.

**Status:** To Sen. Com. on Health. Set, second hearing. Hearing canceled at the request of author. (last activity 4/05/05)

SB 500  
Kuehl

*AFDC-FC: pregnant and parenting foster youth*

Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court, in, among others, cases of abuse or neglect, or failure of a parent or guardian to adequately supervise or protect the child. Existing law declares that a parent's or guardian's physical disability is only relevant to a court's determination to the extent that the parent's disability prevents him or her from exercising care or control. This bill would additionally declare that a child whose parent has been adjudged a dependent child of the court shall not be considered to

be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent. Existing law provides that any order placing a child in foster care, and ordering reunification services, shall provide for visitation between the parent or guardian and any siblings and child, with certain exceptions. This bill would provide, if the child is a teen parent who has custody of his or her child and that child is not a dependent of the court, for visitation among the teen parent, the child's noncustodial parent, and appropriate family members unless the court finds by clear and convincing evidence that visitation would be detrimental to the teen parent. This bill would require a shared responsibility plan to be developed between the teen parent, caregiver, and other county or state representatives, as appropriate, for the care of the child of a teen parent when the child of a teen parent is not under the jurisdiction of the dependency court but is in the full or partial physical custody of the teen parent who is living in an out-of-home placement in a whole family foster home, as defined. The bill would set forth the areas to be covered by the plan, including feeding, clothing, transportation, and child care responsibilities. To the extent this requirement would impose additional duties on counties, this bill would impose a state-mandated local program. Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Under existing law, federal financial participation is available for certain children who have been adjudged dependent children or wards of the court, or who have been detained under a court order. This bill would additionally authorize federal financial participation for a dependent child of the court whose parent is also a dependent child or ward of the court who is receiving AFDC-FC benefits, if the parent and child are placed in the same foster care facility and are receiving reunification services. By creating a new category for AFDC-FC eligibility, and thereby increasing county administration duties for the AFDC-FC program by expanding AFDC-FC eligibility, the bill would impose a state-mandated local program.

**Status:** CHAPTERED (last activity 10/07/05)

SB 654  
Runner

*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 services to eligible persons. This bill would make a nonsubstantive change to these provisions.

**Status:** To Com. on Rls. (last activity 3/3/05)

SB 749  
Speier

*Health care coverage: pervasive developmental disorders*

The Knox-Keene Health Care Service Act of 1975, the willful violation of which is a crime, 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 disability insurers by the Department of Insurance. Existing law requires a health care service plan contract or disability insurance policy issued, amended, or renewed on or after July 1, 2000, to provide coverage for the diagnosis and medically necessary treatment of severe mental illness, as defined, of a person of any age, and of serious emotional disturbances of a child, under the same terms and conditions, with specified exceptions. This bill would require a health care service plan or a disability insurer to cover the diagnosis of pervasive developmental disorders or autism that follows current best practice standards developed by the Department of Developmental Services. The bill would also require the Department of Managed Health Care Services and the Department of Insurance, in conjunction with each other, to enact regulations specifying how a health care service plan or disability insurer and a separate specialized health care service plan or mental health plan may determine responsibility for reimbursement of these diagnostic services.

**Status:** To Sen. Com. on Health. Set, second hearing. Hearing canceled at the request of author. (last activity 4/18/05)

SB 811  
Ortiz

*Infant and child health*

Existing law includes provisions relating to personal health care, including maternal, child, and adolescent health. This bill would declare the intent of the Legislature to enact legislation relating to infant and child health.

**Status:** To Com. on Rls. (last activity 3/10/05)

SB 869  
Bowen

*Nurse-Family Partnership Program*

Existing law provides for the implementation of a community-based system of perinatal care for eligible women and infants administered by the State Department of Health Services. This bill would establish the Nurse-Family Partnership program, which would be administered and implemented by the department, for purposes of making grants to eligible participating counties for the provision of voluntary registered nurse home visiting services for expectant first-time low-income mothers, their children, and their families. This bill would provide that the program would be implemented only to the extent that funds for this purpose are appropriated by the Legislature in the annual Budget Act or other statute and would authorize the department to allocate any moneys received for purposes of the program to program grantees.

**Status:** VETOED. In Senate. To unfinished business. (last activity 10/11/05)

SB 1043  
Hollingsworth

*Schools: health and family life instruction*

Existing law requires the adopted course of study to provide instruction at the appropriate elementary and secondary grade levels in various subjects, including health. Existing law provides that if any part of the instruction in health conflicts with the religious training and beliefs of a parent or guardian of a pupil, the pupil, upon the written request of the parent or guardian, shall be excused from the part of the instruction that conflicts with the religious training and beliefs, as defined. This bill would provide that if any part of the instruction in health education or family life education conflicts with the religious training and beliefs of a pupil, or the parent or guardian of a pupil, the pupil, upon the written request of the parent or guardian, shall be excused from the part of the instruction that conflicts with the religious training and beliefs.

**Status:** Returned to Secretary of Senate pursuant to Joint Rule 62(a). (last activity 4/28/05)



## Public Health Administration

- AB 28 *Public health care*  
Nakanishi Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. The Medi-Cal program is, in part, governed and funded by federal medicaid provisions. This bill would express the Legislature's intent to ensure that health care providers who contract to provide medical services to underserved populations as agents of the state are provided liability protection by the state.  
**Status:** From printer. May be heard in committee. (last activity 12/7/04)
- AB 65 *Medi-Cal: health care benefits*  
Daucher Existing law authorizes a county or counties to establish, by ordinance, a special commission in order to meet the problems of the delivery of publicly assisted medical care and to demonstrate ways of promoting quality care and cost efficiency, and to negotiate an exclusive contract with the California Medical Assistance Commission to provide or arrange for the provision of health care services provided under the Medi-Cal program. This bill would additionally authorize a county, by ordinance, to authorize the special commission to provide delivery systems for persons eligible to receive health care services under the Medicare program and under both the Medi-Cal program and Medicare program. This bill would require a special commission providing delivery systems pursuant to this provision to obtain a license under the Knox-Keene Health Care Service Plan Act under certain circumstances, to conform to applicable state licensing and freedom of choice requirements as directed by the federal Centers for Medicare and Medicaid Services, and to provide notice that includes eligibility and enrollment information for those persons who are dually eligible to receive medical benefits under both the Medi-Cal program and the Medicare program.  
**Status:** **CHAPTERED** (last activity 6/09/05)
- AB 71 *Pharmaceuticals: adverse drug reactions: Office of California Drug Safety Watch*  
Chan Existing law, the Sherman Food, Drug, and Cosmetic Law, regulates the packaging, labeling, and advertising of food, drugs, and cosmetics, under the administration of the State Department of Health Services. This bill would establish the Office of California Drug Safety Watch within the department and would require the office, among other duties, to establish a central repository of information about the safety and effectiveness of prescription drugs that belong to classes of drugs for which there have been recently published reports of safety concerns, that have been frequently advertised directly to consumers, and for which there are recently published systematically reviewed evidence-based research that includes research on side effects and safety issues. The bill would require the office to disseminate information to health care professionals and consumers through an Internet Web site and to request assistance from the University of California and California State University. This bill would require the department to impose a fee on any manufacturer of drugs sold in the state, in an amount based on the drug manufacturer's market share of the total amount of drugs sold in the state.  
**Status:** In Sen. Com. on Health. Set, first hearing. Hearing canceled at the request of author. (last activity 6/27/05)
- AB 73 *Prescription drugs: importation: procurement*  
Frommer Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of the packaging, labeling, and advertising of food, drugs, devices, and cosmetics, under the administration of the State Department of Health Services. Existing law, the Pharmacy Law, provides that any pharmacy located outside of this state that delivers, in any manner, controlled substances, dangerous drugs, or dangerous devices into this state is considered a nonresident pharmacy and requires a nonresident pharmacy to register with the California State Board of Pharmacy and comply with all lawful directions of, and requests for information from, the state in which it is a resident. Existing federal law requires any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug that is imported or offered for import into the United States to register with the federal Secretary of Health and Human Services, report a

list of each drug introduced for commercial distribution, and provide required information and statements. This bill would establish the California Rx Prescription Drug Web Site Program. The bill would require the State Department of Health Services to administer the program and establish a Web site on or before July 1, 2006, to provide information to California residents about options for obtaining prescription drugs at affordable prices. The bill would require that the Web site, at a minimum, provide information about, and establish electronic links to, certain federal, state, and pharmaceutical programs, pharmacies that are located in Canada, the United Kingdom, and Ireland and that meet specified requirements, and other Web sites. This bill would authorize the department to assess a fee on international pharmacies that the department reviews for possible inclusion on the Web site to offset the cost of reviewing those pharmacies. 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 international pharmacies that provide mail order service to the United States and whose Web sites are linked to the department's Web site.

**Status:** VETOED (last activity 9/29/05)

AB 74  
Gordon

*California Prescription Drug Hotline*

Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of the packaging, labeling, and advertising of food, drugs, devices, and cosmetics, under the administration of the State Department of Health Services. This bill would require the department to establish the California Prescription Drug Hotline, on or before July 1, 2006, to provide information to consumers and health care providers about options for obtaining prescription drugs at affordable prices. The bill would establish a maximum cost per call to the hotline and require the hotline to provide specific information.

**Status:** Assembly Rule 47.1 invoked. (Frommer) (last activity 6/30/05)

AB 75  
Frommer

*Pharmaceutical assistance program*

Under existing law, the State Department of Health Services administers the Medi-Cal program, and is authorized, among other things, to enter into contracts with certain drug manufacturers. Under existing law, the department is entitled to drug rebates in accordance with certain conditions, and drug manufacturers are required to calculate and pay interest on late or unpaid rebates. This bill would establish the California Rx Plus State Pharmacy Assistance Program, to be administered by the department. The bill would authorize the department to negotiate drug rebate agreements with drug manufacturers to provide for program drug discounts. The bill would authorize any licensed pharmacy or drug manufacturer to provide services under the program. The bill would establish eligibility criteria and application procedures for California residents to participate in the program. The bill would make it a misdemeanor for a person to intentionally make false declarations as to his or her eligibility or eligibility on behalf of any other person seeking eligibility. Because this bill would create a new crime, it would impose a state-mandated local program. The bill would establish the California Rx Plus Program Fund, into which all payments received under the program would be deposited, with this fund to be used for the purpose of implementing the program, upon appropriation by the Legislature.

**Status:** In Sen. Com. on Health. Set, first hearing. Hearing canceled at the request of author. (last activity 6/28/05)

AB 76  
Frommer

*Office of Pharmaceutical Purchasing*

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 requires 4 state agencies to participate in the program and authorizes other state, local, and public agency governmental entities to elect to participate in the program. Existing law grants the Department of General Services authority with respect to contracting with a pharmaceutical benefits manager or other entity and exploring additional strategies for managing drug costs. This bill would repeal these provisions. The bill would instead establish within the California Health and Human Services Agency the Office of Pharmaceutical Purchasing with authority and duties to purchase prescription drugs for state agencies similar to that granted to the Department of General Services under the above-described provisions. The bill would, however,

revise the state entities required to participate in the program, would add to those entities that may elect to participate in the purchasing program, and would authorize the office to conduct specified activities in order to negotiate the lowest prices possible for prescription drugs.

**Status:** VETOED (last activity 10/07/05)

AB 78  
Pavley

*Pharmacy benefits management*

Existing law provides for the regulation of health care benefits. This bill would define the term "pharmacy benefits management" as the administration or management of prescription drug benefits. The bill would also define the term "pharmacy benefits manager" as an entity that performs pharmacy benefits management, with 2 exceptions. The bill would require a pharmacy benefits manager to make specified disclosures to its purchasers, including specified information about the pharmacy benefit manager's revenues. The bill would also establish certain standards and requirements with regard to pharmacy benefits management contracts.

**Status:** VETOED (last activity 9/29/05)

AB 89  
Jerome  
Horton

*Health care: employer coverage: disclosure*

Existing law provides for various health programs under which qualified low-income persons are provided health care services. These programs include the Medi-Cal program, which is administered by the State Department of Health Services, and the Healthy Families Program, and the Access for Infants and Mothers Program, which are administered by the Managed Risk Medical Insurance Board. This bill would require the department and the board to collaborate to, on or before March 15, 2006, transmit to the Legislature a report identifying all employers who employ 25 or more persons who are beneficiaries or who support beneficiaries of these programs. The bill would also require the department and the board to make the report available to the public as provided in the bill.

**Status:** VETOED (last activity 10/07/05)

AB 95  
Koretz

*Prescription drugs: Medi-Cal*

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 certain other low-income persons. Existing law requires the department to administer the AIDS Drug Assistance Program. Under existing law, the department subsidizes the cost of drugs for AIDS for persons who do not have private health coverage, are not eligible for Medi-Cal, or cannot afford to purchase the drug privately. This bill would establish a program that would require manufacturers of drugs for life-threatening chronic conditions that are on the list for Medi-Cal or the AIDS Drug Assistance Program to pay the department a rebate equal to the costs of marketing that drug. The bill also would require these manufacturers to disclose to the department all costs incurred in the marketing of the drugs to California consumers and physicians.

**Status:** In Asm. Com. on APPR: Set, second hearing. Held under submission. (last activity 5/25/05)

AB 126  
Dymally

*County hospitals: indigent services*

Existing law requires the county board of supervisors, prior to (1) closing, (2) eliminating or reducing the level of medical services provided by, or (3) leasing, selling, or transferring management of, a county facility, to provide public notice of public hearings to be held by the board prior to its decision to proceed. This bill, the Bielensohn Fair Hearing Act of 2005, would require a county board of supervisors to make and publish findings, based on the public hearings, that the board's proposed action will not have a detrimental impact on the health care needs of indigent people in the county. By imposing additional duties on a local entity, this bill would impose a state-mandated local program.

**Status:** In Asm. Com. on Health. Set, final hearing. Hearing cancelled at the request of author. (last activity 4/26/05)

AB 218  
Maze

*Income tax credit: qualified medical care professionals*

The Personal Income Tax Law authorizes various credits against the taxes imposed by that law.

This bill would authorize a credit against the personal income taxes for each taxable year beginning on or after January 1, 2005, and before January 1, 2010, in an amount equal to 6.5% of the amount received by a qualified medical care professional, as defined, for treating Medi-Cal beneficiaries in a

qualified county, as defined.

**Status:** In Asm. Com. on Rev. & Tax.: Set, second hearing. Held under submission. (last activity 5/16/05)

AB 321  
Maze

*Mental Health Services Fund*

Existing law, the Mental Health Services Act establishes the Mental Health Oversight and Accountability Commission, and imposes a tax of 1% on incomes above \$1,000,000 for the purpose of financing new or expanded mental health services. The act, an initiative measure, prohibits a decrease in other funding levels for pre-existing mental health programs below the 2002-03 fiscal year levels, and does not permit a change in the structure of financing mental health services which increases the county's share of costs or risk unless full compensation is provided. The act permits amendment of its provisions by 2/3 vote of the Legislature if the amendments are consistent with and further the purposes of the act. Existing law also permits amendment by majority vote of the Legislature to clarify procedures and terms. This bill would make a technical, nonsubstantive change.

**Status:** From printer. May be heard in committee. (last activity 2/11/05)

AB 360  
Frommer

*Skilled nursing facilities*

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. Existing law provides for the imposition each state fiscal year upon the entire gross receipts of certain intermediate care facilities a quality assurance fee, as a condition of participation in the Medi-Cal program. Existing law, as long as prescribed conditions are met, provides for the imposition of a quality assurance fee on each skilled nursing facility, with some exemptions, to be administered by the Director of Health Services and deposited in the State Treasury to be available to enhance federal financial participation in the Medi-Cal program or to provide additional reimbursement to, and support facility quality improvement efforts in, licensed skilled nursing facilities. Existing law requires the department to request federal approval for implementation of these quality assurance fee provisions and authorizes imposition of a nonuniform fee in order to meet federal requirements. This bill would exclude a unit that provides pediatric subacute services in a skilled nursing facility and a skilled nursing facility that is certified by the State Department of Mental Health for a special treatment program and is an institution for mental disease as defined under federal law from the fee requirements, and would make a conforming change to provisions setting forth the department's Medi-Cal rate-setting authority. The bill would revise erroneous cross-references contained in related provisions. This bill would require reimbursement rates for services in institutions for mental disease that are required to be licensed and certified as skilled nursing facilities to be the same as the rates in effect on July 31, 2004. The bill would require these reimbursement rates to be increased by 6.5% annually from July 1, 2005, to June 30, 2008, and by 4.7% annually, commencing July 1, 2008.

**Status:** **CHAPTERED** (last activity 10/04/05)

AB 367  
Nakanishi

*Physician and surgeon's fee waiver*

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under the act, an applicant for a physician and surgeon's certificate is required to submit a fee payment with his or her application. The act waives this requirement for the renewal of a certificate if the applicant certifies to the board that the renewal is for the sole purpose of providing voluntary, unpaid service in specified settings. This bill would also waive the application fee for the initial issuance of a physician and surgeon's certificate if the applicant makes this same certification to the board.

**Status:** **CHAPTERED** (last activity 8/30/05)

AB 392  
Chan

*County integrated health and human services*

(1) Existing law authorizes Humboldt, Mendocino, and Alameda Counties, and any additional county or counties, as determined by the Secretary of the California Health and Human Services Agency, with the assistance and participation of the appropriate state departments, within the existing resources of those departments, to implement a pilot program, upon approval of the county board of supervisors, for the funding and delivery of services and benefits through an integrated and

comprehensive county health and human services system. This bill would instead authorize any county, with the assistance and participation of the appropriate state departments, within the existing resources of those departments, to implement a program, upon approval of the county board of supervisors, for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system. (2) Existing law authorizes the integrated system to include specified health and human services. This bill would authorize the integrated system to include, but not be limited to, those existing specified services and additional services and programs. (3) Existing law requires a participating county, in consultation with the appropriate state departments, as designated by the Secretary of the California Health and Human Services Agency, to prepare an interim evaluation not later than 6 months following the 3rd year of the implementation of the program and a final evaluation not later than July 1, 2008, and submit them to the Governor or the Governor's designee and the appropriate policy committees of the Legislature. This bill would require a participating county to evaluate its program with the participation of the appropriate state departments, prepare an evaluation, submit it to the Governor or the Governor's designee and the appropriate policy committees of the Legislature not later than 6 months following the 3rd year of the implementation of the program, and seek private funding to provide for the evaluation. The bill would only require the evaluation to be conducted if nonstate resources are made available for the purpose. (4) Existing law repeals the pilot program's authorization as of January 1, 2009. This bill would delete the repeal provision.

**Status:** Read second time. To Senate third reading. (last activity 9/02/05)

AB 469  
Yee

*Medi-Cal: supportive housing*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons are provided health care services, including home- and community-based services pursuant to federal waivers and in-home medical care services. This bill would require the department to develop, and request approval of, a federal Medicaid waiver to provide for Medi-Cal reimbursement for covered services when provided to beneficiaries residing in supportive housing, as defined, that is administered by a city, county, city and county, or other local governmental entity.

**Status:** In Asm. Com. on Health. Set, second hearing. Hearing canceled at the request of author. (last activity 4/26/05)

AB 683  
Salinas

*Health insurance*

Existing law provides for the regulation of health care service plans by the Department of Managed Health Care, and for the regulation of health insurance by the Insurance Commissioner. This bill would state the intent of the Legislature to create a primary care insurance program for chronically and historically uninsured industries in the state.

**Status:** From printer. May be heard in committee. (last activity 2/18/05)

AB 699  
Chan

*Medi-Cal: semiannual status reports*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law requires a Medi-Cal beneficiary to file semiannual status reports and an annual reaffirmation form to report any changes that might affect the beneficiary's eligibility for the program. This bill would eliminate the requirement that a beneficiary file a semiannual status report.

**Status:** In Asm. Com. on APPR: Set, second hearing. Held under submission. (last activity 5/25/05)

AB 702  
Koretz

*Nursing education*

Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation, a public benefit corporation, for the purpose of providing financial assistance in the form of scholarships or loans for educational costs of registered nurses or graduates of associate degree nursing programs who agree to serve in underrepresented areas. This bill would, in addition, allow the office to provide financial assistance to students who are seeking a master's or doctorate degree in nursing. The bill would require that a registered nurse and student must commit to teaching nursing in a California nursing school for 5 years in order to receive a scholarship or loan repayment for a master's or doctoral degree program.

**Status:** CHAPTERED (last activity 10/06/05)

AB 774  
Chan

*Hospitals: self-pay policies*

Existing law provides for the Office of Statewide Health Planning and Development, which is charged with the administration of health policy and planning relating to health facilities, including hospitals. This bill would require each hospital to develop a policy specifying how the hospital will determine financial liability for services rendered to both financially qualified patients and self-pay patients, as defined. The bill would require the policy to include a section addressing charity care patients that specifies the financial criteria and the procedure used by the hospital to determine whether a patient is eligible for charity care. The bill 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 application for financially qualified patients and a copy of its self-pay policy, eligibility procedures, review process, and procedure for determining self-pay pricing. The bill would authorize the office to develop a uniform self-pay application to be used by all hospitals. The bill would authorize the director of the office to levy civil penalties for violations by a hospital of the above provisions. Upon referral by the office, complaint by an individual consumer, or other information concerning violations, the bill would authorize the Attorney General to authorize an investigation to determine whether a hospital is in compliance with the above provisions. This bill would provide that to the extent that certain of the bill's requirements result in a specified federal determination relating to the hospital's established charge schedule, the requirement in question shall be inoperative with respect to a hospital that is licensed to and operated by a county or public hospital authority.

**Status:** In Sen. Com. on Health: Set, first hearing. Hearing canceled at the request of author. (last activity 7/29/05)

AB 811  
Matthew

*California Health and Human Services Agency: licensing and certification functions: consolidation*

Under existing law, several state departments and other entities within the California Health and Human Services Agency regulate the licensure and operation of various types of facilities that provide health and public social services. Existing law also regulates the licensure or certification of individual services providers, including the performance of background clearance checks. This bill would require the Secretary of California Health and Human Services, by January 1, 2006, to conduct a review of all administrative, statutory, and regulatory requirements relating to the licensing and certification of facilities, programs, and individuals that are responsible for providing health and social services to the public. The review would apply to the licensing and certification functions of the State Department of Health Services, the State Department of Social Services, the Emergency Medical Services Authority, the California Department of Aging, the State Department of Mental Health, and the State Department of Alcohol and Drug Programs, and any other entity that meets the requirements of the bill as identified by the Secretary. The bill would authorize the secretary to hire or contract with staff who possess the skills necessary to develop and implement a centralized licensure and certification program. This bill would provide that it would not be construed to require any action that would result in the loss of federal funding for the agency or any of the entities for which licensing functions are being consolidated. The bill would also require the secretary to report to the appropriate policy and fiscal committees of the Legislature by October 1, 2007, to make recommendations as to the statutory changes necessary to implement a centralized licensure and certification program.

**Status:** In Asm. Com. on APPR: Set, second hearing. Held under submission. (last activity 5/25/05)

AB 837  
Benoit

*Health insurance: unemployment*

Existing law regulates the issuance of life insurance policies, as specified. This bill would authorize an insurance policy or endorsement issued by an admitted life and disability insurer to contain a provision for a waiver of premium payments in the event of involuntary unemployment of the insured. The bill would require an insurer issuing policies or endorsements containing the waiver provision to establish reserves and file reports that the Insurance Commissioner may require.

**Status: CHAPTERED** (last activity 7/18/05)

AB 932      *Nursing education: community colleges*  
Emmerson      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. Existing law requires the Office of the Chancellor of the California Community Colleges to award grants to community college districts for the purpose of developing curricula and pilot programs that provide training to licensed nurses. This bill would make technical, nonsubstantive changes in the provision establishing this grant program.

**Status:** From printer. May be heard in committee. (last activity 2/20/05)

AB 1045      *Payers' Bill of Rights: procedure charges*  
Frommer      Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. A violation of those provisions is a misdemeanor. The existing Payers' Bill of Rights requires each hospital to compile a list of the charges for 25 services or procedures commonly charged to patients. Beginning July 1, 2004, existing law requires each hospital to make that list available to any person upon request and to file the list annually with the Office of Statewide Health Planning and Development. This bill would recast those provisions to require each hospital to compile a list of the average charges for 25 common outpatient procedures and the 25 most common inpatient procedures, as grouped by Medicare diagnostic-related group (DRG), and to submit these lists to the office. The bill would require each hospital to provide a list of average charges for outpatient procedures to the office and would require the office to publish this information on its Internet Web site. The bill would require certain information to be updated by the office at least annually. Existing law authorizes the Office of Statewide Health Planning and Development to compile a list of the 10 most common Medicare DRGs and the average charge for each of these DRGs per hospital and to publish that information on its Internet Web site. This bill would repeal those provisions. Except for the provision of emergency services, this bill would require a hospital, upon the request of a person with no health coverage, to provide the person with a written estimate of the amount the hospital will require the person to pay for the health care services, procedures, and supplies that are reasonably expected to be provided to the person by the hospital and an application for financial assistance or charity care. This bill would provide that any hospital that does not file the information required by the Payers' Bill of Rights may be liable for civil penalties.

**Status: CHAPTERED** (last activity 10/05/05)

AB 1046      *Health facility and clinic data: elements: report card*  
The existing Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires design and construction standards for hospital buildings that house patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster. The act requires the Office of Statewide Health Planning and Development (OSHDP) to approve or reject all plans for the construction or alteration of a hospital building. The act requires that, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes. The act authorizes OSHDP to grant a delay in this deadline upon a demonstration by the owner that compliance will result in a loss of health care capacity that may not be provided by other general acute care hospitals within a reasonable proximity. The act also authorizes OSHDP to grant a 5-year delay in this deadline to general acute care hospitals that meet certain requirements and establishes interim deadlines for these hospitals. This bill would require the office to grant a delay to any hospital that has a ratio of hospital debt to capitalization above 50%, to be implemented only if the bond act proposed by this bill is not approved by the voters. The bill would provide that a delay granted pursuant to this provision shall remain in effect until the hospital no longer meets the eligibility requirements for the delay under these provisions, based on biannual audits. This bill would require the office to extend for a 5-year period subsequent to the initial sale of bonds pursuant to the bill, but in no event beyond the year 2030, the deadlines established under the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, to be implemented only if the

voters approve the bond act proposed by this bill. Under the California Health Facilities Financing Authority Act, there is a California Health Facilities Financing Authority, which is empowered to make loans from the continuously appropriated California Health Facilities Financing Authority Fund to nonprofit corporations or associations for financing or refinancing the acquisition, construction, or remodeling of health facilities. Existing law contains general obligation bond acts to finance the construction of state correctional, educational, and water facilities. This bill would enact the Earthquake Safety and Hospital Preservation Bond Act which, if adopted, would authorize, for purposes of financing a seismic safety program for nonprofit and public general acute care hospitals, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of up to \$5,000,000,000. The bill would provide for submission of the bond act to the voters at the next general or direct primary election.

**Status:** Read second time, amended, and re-referred to Sen. Com. on Health. (last activity 8/16/05)

AB 1085

Ruskin

*County Health Initiative Matching Fund*

Existing law, the County Health Initiative Matching Fund, establishes a fund that is administered by the Managed Risk Medical Insurance Board in collaboration with the State Department of Health Services. Under existing law, a county, a county agency, a local initiative, or a county organized health system, may apply to the board to provide health care coverage to eligible persons, including children whose family income is at or below 300% of the federal poverty level and adults whose family income does not exceed 200% of the federal poverty level. Existing law specifies that funding for adults is after funding for children. This bill would change the income eligibility criteria for children and would include those with a family income level at or below 400% of the federal poverty level. The bill would specify that the funding for children made eligible by this change would be provided to the extent not required by eligible adults and by eligible children having a family income at or below 300% of the federal poverty level.

**Status:** In Asm. Com. on Health. Hearing postponed by committee. (last activity 4/12/05)

AB 1239

Chan

*Medi-Cal: self-certification of assets*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law requires the department, to the extent that federal financial participation is available, to exercise various options under federal law that expand eligibility for Medi-Cal by adopting less restrictive income and resource eligibility standards and methodologies to the extent necessary to allow all recipients for benefits under the CalWORKs program to be eligible for Medi-Cal, that establish the amount of countable resources individuals or families are allowed to retain at the same amount medically needy individuals and families are allowed to retain, with an exception for a family of one, and that implement income and asset disregards. This bill would require the department, to the extent federal financial participation is available, commencing January 1, 2006, to permit an individual eligible for benefits pursuant to these provisions to, at the time of application for Medi-Cal benefits, certify his or her countable resources by means of a statement made under penalty of perjury. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

**Status:** In Asm. Com. on Health APPR: Set, second hearing. Held under submission. (last activity 5/25/05)

AB 1359

Chan

*Prescription drug plans*

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, the willful violation of which is a crime, provides for the licensure and regulation of health care service plans and specialized health care service plans by the Department of Managed Health Care and other provisions of law provide for the regulation of life and disability insurers by the Department of Insurance. This bill would require a sponsor of a prescription drug plan authorized by the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 in this state to be licensed as a health care service plan or as a life and disability insurer.

**Status:** **CHAPTERED** (last activity 9/06/05)

AB 1481

Richman

*Medi-Cal: managed care*

Existing law provides for 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. Each county is responsible for eligibility determinations under the Medi-Cal program. Under existing law, at the time of determining or redetermining the eligibility of a Medi-Cal applicant or beneficiary who resides in an area served by a managed health care plan or pilot program in which beneficiaries may enroll, the county is required to ensure that each applicant or beneficiary personally attends a presentation at which the applicant or beneficiary is informed of the managed care and fee-for-service options available regarding methods of receiving Medi-Cal benefits. These health care options include the continuation of an established patient-provider relationship in the fee-for-services sector, the continuation of an established patient-provider relationship in a managed care option under prescribed circumstances, or in areas specified by the director, if the applicant or beneficiary fails to make a choice or does not certify that he or she has an established relationship with a primary care provider or clinic, the applicant or beneficiary shall be assigned to, and enrolled in, a prepaid managed health care plan, pilot projects, or fee-for-service case management provider. Under existing law, in areas specified by the director, no later than 30 days following the date a Medi-Cal beneficiary or applicant is determined eligible for Medi-Cal, the beneficiary is required to indicate his or her choice, in writing, from among the available prepaid health plans contracting to provide Medi-Cal services in the region. Existing law provides for a comprehensive program of managed health care plan services to Medi-Cal recipients residing in clearly defined geographical areas. Existing law provides that enrollment in this program is voluntary for beneficiaries eligible for Medicare. This bill would provide that notwithstanding any other law, commencing July 1, 2008, enrollment in either a Medi-Cal managed health care plan or a managed health care plan in a defined geographical area shall be mandatory for Medi-Cal beneficiaries, with specified exceptions, who are also eligible for, but need not be enrolled in, the Medicare program. This bill would require the department to seek a federal waiver that will provide federal financial participation for a dual eligible, defined as a Medi-Cal beneficiary enrolled in the Medicare program, who is enrolled in Medi-Cal managed care and to seek any other federal waivers necessary to implement the bill. The bill would provide that it shall only be implemented if, and to the extent that, these waivers are obtained. The bill would impose various duties on the department in implementing the bill, including providing to the appropriate committees of the Legislature information regarding the department's plans to implement the mandatory enrollment of dual eligibles into managed care, consulting with various stakeholders and other parties with an interest in health care for aged, blind, and disabled persons, undertaking an independent assessment of the encounter data collection process in the Medi-Cal managed care system, developing and implementing a corrective action plan, and reporting information related to the data to the Legislature, and performing activities related to quality of care measures for Medi-Cal beneficiaries subject to these provisions. The bill would establish requirements for health plans that contract to provide Medi-Cal managed care services to Medi-Cal beneficiaries who are subject to these provisions. This bill would require the department to implement the provisions of this bill only if it obtains the necessary agreement from the federal government to continue to receive disproportionate share hospital payments in proportion to the patients transferred to managed care as a result of existing statutory authorization for the department to contract with any qualified individual, organization, or entity to provide services to, arrange for or case manage, the care of Medi-Cal beneficiaries.

**Status:** In Asm. Com. on Health. Set second hearing. Failed passage. Reconsideration granted. (last activity 4/26/05)

AB 1591  
Chan

*Medi-Cal eligibility: Chappell Hayes Health Center*

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 certain other low-income persons. This bill would specify that there shall be a presumption of eligibility for Medi-Cal benefits for any patient at the Chappell Hayes Health Center at McClymonds High School in Oakland. Under existing law, each county is responsible for determining Medi-Cal eligibility.

**Status:** In Asm. Com. on Health. Set, first hearing. Hearing canceled at the request of author. (last activity 4/26/05)

- AB 1635 *Medi-Cal: hospital reimbursement*  
 McCarthy Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law declares the intent of the Legislature to enact a method for reimbursing hospitals for inpatient and outpatient services provided to Medi-Cal beneficiaries on a prospectively negotiated contractual basis and to develop and test alternatives that would become the basis for a permanent contracting system. This bill would revise this language to state the intent that the alternatives become the basis for a permanent contracting system specifically for hospital reimbursement.  
**Status:** From printer. May be heard in committee. (last activity 2/24/05)
- AB 1670 *Health care coverage*  
 Nation Existing law establishes various programs, including the Medi-Cal program and the Healthy Families Program, to provide health care benefits to eligible persons. Under existing law, the Healthy Families Program is administered by the Managed Risk Medical Insurance Board. This bill would establish a 3 part health care coverage program. The bill would require each resident of the state to obtain minimum health care coverage, as defined. The bill would also require the Secretary of the Health and Human Services Agency to work in conjunction with counties to establish a purchasing pool through which an essential benefits plan, developed by the board and the Department of Managed Health Care, would be made available. The bill would also require the board and the department to establish a subsidy program for qualified employers, as defined, who offer essential benefits coverage for employees earning less than 200% of the federal poverty level.  
**Status:** In Asm. Com. on REV & TAX: Set first hearing. Failed passage. Reconsideration granted. (last activity 4/26/05)
- AB 1671 *Cal-Health Act*  
 Richman Existing law establishes the State Department of Health Services. The department administers certain health care programs, including the Medi-Cal Program. This bill would enact the Cal-Health Act. The act would require the department to establish an enrollment and retention program to serve as a single point of entry, but not the exclusive method of enrollment and retention, for all health care programs offered by the state and local government agencies. The act would require the department to use an electronic enrollment process.  
**Status:** In Asm. Com. on APPR: Set, second hearing. Held under submission. (last activity 5/25/05)
- AB 1674 *Center for Quality Medicine*  
 Richman Existing law establishes the California Health and Human Services Agency, which administers state and federal programs for health care, social services, public assistance, and rehabilitation. This bill would require the Secretary of the California Health and Human Services Agency to contract with an academic institution or public policy research institution for the establishment of a Center of Quality Health Care, to conduct research on various issues related to medical treatment data and to develop evidence-based guidelines and best practices using medical and scientific evidence. The bill would also require the secretary to establish an advisory committee to assist the secretary by recommending academic institutions and public policy research institutions for the contract. The center would be funded solely by private funds. The bill's provisions would be repealed on January 1, 2011.  
**Status:** VETOED (last activity 10/07/05)
- AB 1675 *Medi-Cal: contract drug list: generic drugs*  
 Nation Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Under existing law, the Director of Health Services maintains a Medi-Cal contract drug list of drugs approved for treatment of beneficiaries under the Medi-Cal program. This bill would provide that a drug, other than a generic drug, shall not be included on the Medi-Cal contract drug list unless it can be demonstrated that the drug will lead to patient outcomes that are better than the outcomes achieved with a generic drug or drugs for the same condition. The bill would provide that a drug that is not available through the Medi-Cal contract drug list may be available through the treatment authorization request process. The bill would require a Center for Quality Medicine selected by the Department of Managed Health Care to develop guidelines for the treatment authorization request

process.

**Status:** In Asm. Com. on Health. Set, first hearing. Hearing canceled at the request of author. (last activity 4/12/05)

AB 1698  
Nunez

*Health care coverage*

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 a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires that every health care service plan contract that provides for termination of coverage of a dependent child upon attainment of the limiting age for dependent children shall also provide that attainment of the limiting age shall not terminate the coverage of a child under certain conditions. Existing law establishes similar requirements for group hospital, medical, or surgical expense insurance policies that provide coverage of dependent children. This bill would prohibit, with specified exceptions, the limiting age for dependent children covered by these health care service plan contracts and insurance policies from being less than 26 years of age for any employment contract subject to collective bargaining that is issued, amended, or renewed after January 1, 2006. The bill would also authorize certain public employees and annuitants to elect to provide coverage to their dependents who would otherwise be ineligible for coverage by contributing the premium for that coverage.

**Status:** VETOED (last activity 10/07/05)

AB 1707  
Chan

*Medi-Cal financing*

Existing law creates the continuously appropriated Medical Providers Interim Payment Fund, for the purposes of paying Medi-Cal providers, providers of drug treatment services for persons infected with HIV, and providers of services for the developmentally disabled, for services provided on or after July 1 of the fiscal year for which a budget has not yet been enacted or there is a deficiency in the Medi-Cal budget in any fiscal year, and appropriates, for each fiscal year in which these payments are necessary, up to \$1,000,000,000 from the General Fund, in the form of loans, and \$1,000,000,000 from the Federal Trust Fund to the Medical Providers Interim Payment Fund. This bill would delete the limitation on the application of the continuously appropriated funds to services provided. By expanding the scope of the application of the continuously appropriated funds, this bill would result in an appropriation.

**Status:** CHAPTERED (last activity 7/18/05)

SB 18  
Ortiz

*Reproductive health and research*

The California Stem Cell Research and Cures Act, an initiative measure, establishes the California Institute for Regenerative Medicine, the purpose of which is, among other things, to make grants and loans for stem cell research, for research facilities, and for other vital research opportunities to realize therapies, protocols, and medical procedures that will result in, the cure for, or substantial mitigation of, diseases and injuries. Existing law establishes the Independent Citizen's Oversight Committee (ICOC), composed of appointed members, that is required to perform various functions and duties with regard to the operation of the institute. Existing law requires that a patient provide informed consent prior to the receiving various medical treatments. This bill, with certain exceptions, would require a physician and surgeon, prior to providing assisted oocyte production, as defined, for purposes of donating eggs for medical research or for developing medical therapies, obtain written consent from his or her patient and provide to his or her patient a standardized written summary of health and consumer issues. Existing law prohibits a person from knowingly, for valuable consideration, purchase or sell embryonic or cadaveric fetal tissue for research purposes. This bill would prohibit human oocytes or embryos from being acquired, sold, received, or otherwise transferred for valuable consideration for medical research or development of medical therapies, and would prohibit payment in excess of the amount of reimbursement of expenses to be made to any research subject to encourage her to produce human oocytes for the purposes of medical research. Existing law requires the State Auditor to conduct financial and performance audits as directed by statute. Existing law authorizes the State Auditor to conduct these audits of any state agency, local governmental agency, school, special district, or any publicly created entity. This bill would require the State Auditor to conduct a performance audit of the institute and the ICOC and to provide the

audit report to the Legislature on or before June 30, 2006. It would also require the State Auditor, on or before October 2007, to provide to certain legislative committees an analysis of the auditee's implementation of the recommendations contained in the audit report.

**Status:** VETOED. In Senate. To unfinished business. (last activity 10/11/05)

SB 19  
Ortiz

*California Rx Program*

Under existing law, the State Department of Health Services administers the Medi-Cal program, and is authorized, among other things, to enter into contracts with certain drug manufacturers. Under existing law, the department is entitled to drug rebates in accordance with certain conditions, and drug manufacturers are required to calculate and pay interest on late or unpaid rebates. This bill would establish the California Pharmacy Assistance Program (Cal Rx) under the oversight of the department. The bill would authorize the department to implement and administer Cal Rx through a contract with a 3rd-party vendor or utilizing existing health care service provider enrollment and payment mechanisms. The bill would require the department to attempt to negotiate manufacturer rebate agreements for Cal Rx with drug manufacturers. The bill would authorize any licensed pharmacy and any drug manufacturer, as defined, to provide services under Cal Rx. The bill would establish eligibility criteria and application procedures for California residents to participate in Cal Rx. The application process would require an applicant to attest to information provided under penalty of perjury, which would expand the definition of an existing crime, thereby imposing a state-mandated local program. The bill would establish the California State Pharmacy Assistance Program Fund into which all payments received under Cal Rx would be deposited. The bill would continuously appropriate the fund to the department for purposes of Cal Rx. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

**Status:** To Sen. Com. on Health. Hearing postponed by committee. (last activity 5/04/05)

SB 24  
Ortiz

*Hospital charity care*

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 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. The bill would require a nonprofit hospital organized as a public benefit corporation to demonstrate compliance with the above provisions and, except for certain children's hospitals, demonstrate that the hospital's charity care expenditures constitute at least \_\_\_\_% of its net patient revenues. The bill would authorize the Attorney General to authorize an investigation to determine whether a nonprofit hospital is in compliance. The bill would authorize the director of the office to levy civil penalties for violations of any of the above provisions, and would authorize any person damaged by a violation of any of the above provisions to bring an action to recover damages and civil penalties. This bill would provide that these provisions would be operative on July 1, 2006.

**Status:** To Sen. Com. on APPR. Set, first hearing. Held in committee and under submission. (last activity 5/26/05)

SB 29  
Perata

*Budget Trailer Bill: Tobacco Surtax Fund*

Existing law, the Budget Act of 2004, appropriates funds from the Hospital Services Account and the Physician Services Account of the Cigarette and Tobacco Products Surtax Fund to the State

Department of Health Services for local assistance. This bill would reappropriate certain amounts from these accounts, so appropriated in the Budget Act of 2004, to the California Healthcare for Indigents Program and the rural health services program. This bill would declare that it is to take effect immediately as an urgency statute.

**Status: CHAPTERED** (last activity 3/9/05)

SB 47

*Clinics*

Scott

Existing law regulates the licensure of clinics, as defined, by the State Department of Health Services. Under existing law, specified types of clinics are exempted from these licensing provisions, including, until January 1, 2008, clinics that are nonprofit corporations and satisfy requirements regarding medical research and the receipt of charitable contributions and bequests. This bill would delete the January 1, 2008, date for termination of the exemption from the licensure requirements for the nonprofit clinics described above, would require those clinics to have satisfied the requirements regarding medical research and receipt of charitable contributions and bequests on or before January 1, 2005, and would require each of those clinics to submit to the Legislature a related report by January 1, 2007, and every 5 years thereafter.

**Status: CHAPTERED** (last activity 8/29/05)

SB 102

*Nurse training funding*

Ducheny

Existing law establishes the Employment Training Panel and authorizes the panel to utilize funds in the Employment Training Fund for, among other expenditures, the purpose of funding special employment training projects that improve the skills and employment security of frontline workers, as defined, and training individuals who are currently working and receiving certain state benefits. This bill would additionally authorize the panel to fund up to 5 licensed nurse training programs to train individuals who are currently working as nurse assistants or caregivers in a health facility, as defined.

**Status: CHAPTERED** (last activity 10/06/05)

SB 103

*Primary care clinic licensing: timing*

Ducheny

Existing law generally provides for the licensure of clinics and specialty clinics by the State Department of Health Services. Existing law requires any person, firm, association, partnership, or corporation desiring a license for a health clinic or a special permit for special health services to file with the department a verified application on forms prescribed and furnished by the department, containing specified information, including any information as may be required by the department, including, but not limited to, evidence that the clinic has a written policy relating to the dissemination to patients of a summary of current state laws requiring child passenger restraint systems to be used when transporting children in motor vehicles, a listing of child passenger restraint system programs located within the county, and information describing the risks of death or serious injury associated with the failure to utilize a child passenger restraint system. This bill would authorize a clinic to satisfy those requirements by reproducing for distribution materials provided by the Department of the California Highway Patrol that describe the risks of injury or death as a result of failing to utilize passenger restraints for infants and children, and materials developed by the county health department. This bill would declare that these requirements are met if the materials are requested, but not received. Existing law provides that a primary care clinic that has held a valid, unrevoked, and unsuspended license for at least the immediately preceding 5 years, with no demonstrated history of repeated or uncorrected violations of clinic licensure provisions or any regulation adopted under these provisions that pose immediate jeopardy to a patient, and that has no pending action to suspend or revoke its license, may file an application to establish an affiliate clinic at an additional site. Existing law requires the department, upon receipt of the completed application, to approve a license for the affiliate clinic, without the necessity of first conducting an initial onsite survey, if certain conditions are met. Existing law requires the department to issue a license within 30 days of receipt of a completed application. If the department determines that an applicant does not meet the required conditions, existing law requires the department to identify the grounds for that determination and process the application and either grant or deny a license or special permit within 100 days of the filing. This bill would provide that when the department determines that an applicant does not meet the required conditions for expedited affiliate clinic licensure, identifies the grounds for that

determination, and processes the application within 100 days of the filing, the time period for approval or denial of the application would commence on the original date upon which a complete application is filed with the department's consolidated applications unit. The bill would require an applicant for an expedited affiliate clinic licensure to submit an affidavit stating that the application meets required criteria, and would prohibit the department from requiring a particular form of affidavit.

**Status:** To Asm. Com. on Health. Set, second hearing. Hearing canceled at the request of author. (last activity 6/28/05)

SB 131  
Chesbro

*Medi-Cal: federally qualified health centers and rural health clinics: reimbursement rates*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which health care services are provided to qualified low-income persons. Federally qualified health center (FQHC) services and rural health clinic (RHC) services described under federal law are covered Medi-Cal benefits. Existing law requires that FQHCs and RHCs be reimbursed on a per-visit basis and defines "visit" for this purpose as a face-to-face encounter between the FQHC or RHC patient and designated health care providers under prescribed conditions. Existing law authorizes an FQHC to elect to be reimbursed on a fee-for-service basis for pharmacy and dental services. Existing law establishes procedures for a federally qualified health center or rural health clinic to submit scope-of-service rate change requests to qualify for an adjustment to its per-visit rate. This bill, notwithstanding existing law, would deem a scope-of-service change request to be timely when filed within 150 days following the beginning of the FQHC's or RHC's fiscal year following the year in which the change occurred. Existing law provides for the establishment of a commission to operate a local initiative that provides or arranges for the delivery of health care services in all or part of the geographic area of Los Angeles County. Existing law authorizes the department to obtain approval for a demonstration or pilot project under applicable federal laws in connection with the local initiative in Los Angeles County. This bill, with certain exceptions, would require FQHCs that are receiving cost-based reimbursement under the terms of the Los Angeles County Section 1115 Waiver Demonstration Project on June 30, 2005, referred to as "Los Angeles cost-based FQHCs," to transition to a prospective payment system rate upon expiration of that waiver.

**Status:** CHAPTERED (last activity 10/05/05)

SB 159  
Runner

*Inmates: health care services*

Existing law authorizes the Department of Corrections and Rehabilitation to contract with providers of emergency health care services. Existing law specifies that hospitals and ambulance or other nonemergency response services that do not contract with the department shall provide those services at the Medicare rate. This bill would apply these provisions to county sheriffs, chiefs of police, and directors or administrators of local departments of correction, except that it would specify that hospitals that do not contract with those local law enforcement agencies shall provide their services at a rate equal to 110% of the hospital's actual costs, as specified. This bill would prohibit a county sheriff or police chief from releasing inmates from custody for the purpose of seeking medical care, with the intent to rearrest, unless the hospital determines the action would enable it to collect from a third-party source. By imposing new duties on local law enforcement, the bill would impose a state-mandated local program. Further, this bill would direct specified stakeholders to convene a working group to assist in resolving issues affecting cost and emergency health care for inmates.

**Status:** CHAPTERED (last activity 10/04/05)

SB 162  
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. These provisions of the bill would not become operative until January 1, 2007, and only if an appropriation for purposes of the bill is made in the Budget Act of 2006. The bill would also require, contingent upon the receipt of sufficient nonstate resources, the State Department of Health Services or the State Department of Public Health, if it is established pursuant to this bill, to convene a workgroup of experts to develop specific recommendations regarding the creation of the State Department of Public Health and how it fits into a long-term strategy to improve the future of public health leadership in California. The bill would require the workgroup to provide the recommendation and strategy to the Governor and Legislature. **Status:** Referred to Sen. Com. on G.M., E. & A. Set, first hearing. Hearing canceled at the request of author. (last activity 4/20/05)

SB 163  
Scott

*Public contracts*

Existing law establishes various requirements applicable to entities that contract with the state. This bill would require a pharmaceutical company, as defined, entering into a contract with an agency of the state to disclose the percentage of its national operating budget that is expended on marketing purposes, and the percentage of its national operating budget expended on research and development, with specified exceptions. The bill would prohibit a state department or agency from entering into a contract with a pharmaceutical company in the absence of that disclosure. This bill would authorize a pharmaceutical company to request that confidential or proprietary information so disclosed be held confidential and would make findings regarding the interest protected by keeping this information confidential.

**Status:** Referred to Asm. Com. on B & P. Set, first hearing. Failed passage in committee. Reconsideration granted. (last activity 7/05/05)

SB 167  
Speier

*Seismic and Patient Safety*

Under existing law, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life may only be used for nonacute care hospital purposes. Existing law requires owners of all acute care inpatient hospitals, by January 1, 2030, to either demolish, replace, or change to nonacute care use all hospital buildings not in substantial compliance with the regulations and standards developed by the office or to seismically retrofit all acute care inpatient hospital buildings so that they are in substantial compliance with the regulations and standards developed by the office. Existing law authorizes the Office of Statewide Health Planning and Development to grant a delay in the 2008 deadline to a hospital that states in its application for an extension why the hospital is unable to comply with the deadline requirement, upon a demonstration by the owner that compliance will result in a loss of health care capacity that may not be provided by other general acute care hospitals within a reasonable proximity. This bill would exempt any hospital that is subject to state seismic safety standards for hospitals from the 2008 deadline if the governing body adopts and submits to the State Department of Health Services by July 1, 2006, a resolution that the governing body commits to comply with the January 1, 2030, seismic safety standards by January 1, 2020, if certain conditions are met, and would make violation of these provisions subject to licensure revocation and nonrenewal.

**Status:** To Asm. Com. on Health. From committee with author's amendments. Read second time. Amended. Re-referred to Committee. (last activity 6/29/05)

SB 206  
Dunn

*Inpatient hospital services: reimbursement: Pediatric Outlier Payment Adjustment Program*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits, including hospital services. Existing law provides for the California Medical Assistance Commission in the Governor's office, for the purpose of contracting with health care delivery systems for provision of health care services to recipients under the Medi-Cal program. This bill would establish the Pediatric Outlier Payment Adjustment Program (POPAP) to be administered by the California Medical Assistance Commission. The program would provide funding to offset a portion of the unfunded inpatient hospital costs of Medi-Cal eligible patients less than 21 years of age with extraordinary health care needs.

**Status:** Referred to Sen. Com. on Health. Hearing postponed by committee. (last activity 4/19/05)

- SB 257      *Mental health services*  
Chesbro      Existing law, the Mental Health Services Act, establishes the Mental Health Services Oversight and Accountability Commission, sets forth provisions relating to the appointment and qualification of its members, and prescribes the commissions oversight duties regarding the provision of services under the act. The act, an initiative measure, permits amendment by the Legislature to further the purposes of the act by a 2/3 vote of both houses and permits amendment to clarify procedures and terms by a majority vote of both houses. This bill would require the commission to elect, from its members, a chair and vice chair at its first meeting and annually thereafter.  
**Status:** Read second time. To Assembly Consent Calendar. (last activity 6/09/05)
- SB 301      *Health care*  
Murray      Existing law establishes publicly funded health care programs, including Medi-Cal, and imposes duties on hospitals, clinics, and other health facilities that receive state funds with respect to the provision of health care. This bill would state the intent of the Legislature to enact legislation that would improve health care in California.  
**Status:** To Com. on Rls. (last activity 2/24/05)
- SB 325      *County reimbursement*  
Ducheny      The Bronzan-McCorquodale Act establishes provisions to organize and finance community mental health services for persons with mental disorders in every county through locally administered and locally controlled community mental health programs. Existing law provides for the allocation of state sales tax revenues and vehicle license fees into the continuously appropriated Local Revenue Fund, for allocation to counties for various stated purposes, from the accounts contained in the fund. Existing law provides that counties are to continue to receive reimbursement from specifically appropriated funds for costs necessarily incurred in providing psychotherapy and other mental health services for pupils with disabilities and that counties are not required to provide any share of those costs or to fund the cost of any part of these services with money received from the Local Revenue Fund for reimbursement claims for services delivered in the 2001-02 fiscal year and thereafter to those pupils. Existing law authorizes counties to utilize money received from the Local Revenue Fund to fund the costs of any part of necessarily incurred in providing any part of psychotherapy and other mental health services for handicapped and disabled pupils and provides that counties who use money from that fund for those services are eligible for reimbursement from the state. This bill would appropriate \$69,000,000 from funds payable under the Federal Trust Fund, and \$\_\_\_\_\_ from the General Fund, to the State Department of Mental Health for allocation to county mental health agencies for the purposes of providing mental health services for the 2005-06 fiscal year under individualized education program developed pursuant to the federal Individuals with Disabilities Education Act. The bill would declare county mental health agencies eligible for reimbursement of unreimbursed costs under the State Mandates Claims Act.  
**Status:** To Sen. Com. on Health. Hearing postponed by committee. (last activity 4/25/05)
- SB 328      *Health facilities: Medi-Cal reimbursement: selective provider contracts*  
Cedillo      Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons are provided with health care benefits, including hospital services. Existing law authorizes the special negotiator to negotiate selective provider contracts with eligible hospitals to provide inpatient hospital services to Medi-Cal beneficiaries. The bill would require the special negotiator, in negotiating selective provider contracts, to take into consideration the reimbursement issues faced by any hospital that meets 7 conditions, including that the hospital has for the previous 3 years been a contracting hospital providing basic emergency services or comprehensive emergency medical services, maintained obstetrical services and a neonatal intensive care unit, and sustained a minimum level of operating losses.  
**Status:** To Asm. Com. on Health. Set, first hearing. Held in committee and under submission. (last activity 6/21/05)
- SB 329      *California Prescription Drug Safety and Effectiveness Commission*  
Cedillo      The Sherman Food, Drug and Cosmetics Law provides for the regulation of the processing, labeling,



advertising, and sale of food, drugs, and cosmetics under the administration of the State Department of Health Services. A violation of these provisions is a crime. This bill would establish the California Prescription Drug Safety and Effectiveness Commission within the California Health and Human Services Agency. The bill would prescribe the composition of the commission, how the members will be appointed, the terms of commissioners, and duties of the commission related to providing Californians with information on the safety and effectiveness of prescription drugs via an Internet Web site. The bill would require the commission to request assistance from a unit of the University of California. The bill would provide that members of the commission and members of expert panels, when engaged in duties relating to commission or panel membership, are exempt from criminal sanctions under the Sherman Food, Drug and Cosmetics Law.

**Status:** To Coms. on Health and Rls. (last activity 2/24/05)

SB 380  
Alquist

*Drugs: adverse event reporting*

The Sherman Food, Drug and Cosmetics Law provides for the regulation of various subjects relating to the processing, labeling, advertising, and sale of food, drugs, and cosmetics under the administration of the State Department of Health Services. A violation of these provisions is a crime. This bill would require a licensed health professional and a health facility to report all suspected serious adverse drug events that are spontaneously discovered or observed in medical practice to MedWatch, the drug safety information and adverse event reporting program operated by the federal Food and Drug Administration (FDA), using the FDA 3500 Voluntary form developed by the FDA for MedWatch. The bill would prohibit a licensed health professional or health facility that violates this provision from being subject to the existing penalties and remedies of the Sherman Food, Drug and Cosmetics Law or any other provision of law.

**Status:** Reconsideration granted. Placed on inactive file on request of Assembly Member Frommer. (last activity 9/07/05)

SB 401  
Ortiz

*Medical information: pharmacies: marketing*

Existing law prohibits a provider of health care, a health care service plan, contractor, or corporation and its subsidiaries and affiliates from intentionally sharing, selling, or otherwise using any medical information, as defined, for any purpose not necessary to provide health care services to a patient, except as expressly authorized by the patient, enrollee, or subscriber, as specified, or as otherwise required or authorized by law. Violations of these provisions are subject to a civil action for compensatory and punitive damages, and, if a violation results in economic loss or personal injury to a patient, it is punishable as a misdemeanor. Existing law provides that this prohibition also applies to the marketing of medical information, as defined, excluding from that definition, for these purposes, communications for which the communicator does not receive remuneration from a 3<sup>rd</sup> party or for specified descriptive purposes, or that are tailored to the circumstances of a particular individual, as specified. This bill would further provide that marketing includes a written communication that is provided by a pharmacy to a patient about a different drug or treatment than that being dispensed by the pharmacy and that is paid for, or sponsored by, a manufacturer, labeler, or distributor of prescription drugs, except as specified. Because a violation thereof may be punishable as a misdemeanor, the bill would impose a state-mandated local program.

**Status:** To Asm. Com. on Health. Set, first hearing. Hearing canceled at the request of author. (last activity 6/28/05)

SB 458  
Speier

*Basic health care: counties*

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 a crime. Existing law also provides for the regulation of health insurers by the Insurance Commissioner. This bill would authorize, until January 1, 2009, a pilot project in which up to 200,000 employees at any one time may be enrolled, and for which nonprofit community health centers, nonprofit primary care clinics, nonprofit federally qualified health centers, and look-alikes, may accept prepayment from an administering health care service plan or health insurer for provider services for up to one month at a time. The bill would require that, before January 1, 2009, an evaluation of the coverage provided pursuant to the pilot project be submitted to the Legislature. Existing law authorizes creation of multiple employer welfare arrangements (MEWAs), which may provide certain benefits, including

health benefits, to the employees of 2 or more employers. Existing law requires that benefits be offered only to association members. This bill would also allow, with the permission of the Insurance Commissioner, until January 1, 2009, benefits to nonmembers. The bill would also provide that, until January 1, 2009, a multiple employer welfare arrangement not otherwise organized as of January 1, 2005, may be organized, upon approval of the commissioner without meeting certain organizational requirements. Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and pursuant to which health care services are provided to qualified low-income persons. Existing law authorizes San Mateo County, San Bernardino County, Ventura County, and other counties to establish a special commission in order to meet the problems of delivery of publicly assisted medical care in each county, and to demonstrate ways of promoting quality care and cost efficiency. This bill would revise the scope of that authorization to expand the scope of the mission of the commissions to include meeting the problems of a lack of access to affordable health care coverage, and would authorize a county to establish a commission that may offer coverage for both publicly assisted medical care and privately financed medical care for both the residents of the county and residents of other counties if the commission's governing body determines that there exists a need for affordable coverage in other counties.

**Status:** From Asm. Com. on Health with author's amendments. Read second time. Amended. Re-referred to committee. (last activity 6/27/05)

SB 465  
Ducheny

*Medi-Cal: geographic managed care plans: reimbursement*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program provides health care services to beneficiaries through various methods, including a comprehensive program of managed health care plan services for Medi-Cal recipients residing in clearly defined geographical areas. This bill would state the intent of the Legislature to enact legislation that would change the reimbursement of geographic managed care plans serving Medi-Cal beneficiaries.

**Status:** To Com. on Rls. (last activity 3/3/05)

SB 644  
Ortiz

*Dispensing prescription drugs and devices*

Existing law makes certain actions by a health care professional unprofessional conduct subject to disciplinary action by the licensing board regulating the health care professional. Under existing law, the California State Board of Pharmacy is authorized to issue a citation for the violation of the Pharmacy Law or regulations adopted pursuant to it, and the board's executive officer is authorized to issue a letter of admonishment for the violation of those provisions. This bill would prohibit a health care licensee from obstructing a patient in obtaining a prescription drug or device and would require the licensee to dispense drugs and devices pursuant to a lawful prescription or order except in specified circumstances, including on ethical, moral, or religious grounds asserted by the licensee. The bill would authorize the licensee to decline to dispense the prescription or order on that basis only if the licensee notified his or her employer of the objection and it can be reasonably accommodated. The bill would require the licensee's employer in those circumstances to establish protocols to ensure a patient's timely access to the prescribed drug or device. The bill would authorize the California State Board of Pharmacy to issue a citation for a violation of these provisions and would authorize its executive officer to issue a letter of admonishment for their violation.

**Status:** CHAPTERED (last activity 9/29/05)

SB 650  
Ortiz

*Prostate cancer: Improving Access, Counseling, and Treatment for Californians with Prostate Cancer (IMPACT) Program*

Existing law requires the State Department of Health Services to develop, expand, and ensure a program to provide, through contracts, quality prostate cancer treatment services to low-income uninsured and underinsured men. Pursuant to this requirement, the department has established the Improving Access, Counseling, and Treatment for Californians with Prostate Cancer (IMPACT) Program. This bill would, instead, require the department to develop and implement a program to provide quality prostate cancer treatment for low-income and uninsured men. It would also impose various requirements upon the program, including prescribed contract requirements. This bill would

require, contingent upon the timely receipt of program data from contractors, the department to report to specified legislative committees, by July 1, 2006, its evaluation of the IMPACT Program. The bill would appropriate \$2,404,000 from the General Fund to the department for purposes of prostate cancer treatment services under the program.

**Status:** CHAPTERED (last activity 9/30/05)

SB 708  
Speier

*Drug discount program: conditions of participation*

Existing law establishes the federal Medicaid program, administered by each state, California's version of which is the Medi-Cal program. The Medi-Cal program, which is administered by the state Department of Health Services, provides qualified low-income persons with health care services. Existing federal law requires the United States Secretary of Health and Human Services to enter into an agreement with each manufacturer of covered drugs that are not subject to a rebate under an agreement between the state Medicaid program and the manufacturer under which the amount required to be paid to the manufacturer for covered drugs, with certain exceptions, purchased by a covered entity, as defined, does not exceed an amount equal to the average manufacturer price for the drug under the federal Medicaid program in the preceding calendar quarter, reduced by the rebate received pursuant to the Medicaid agreement. This bill would require the State Department of Health Services to develop a standard contract for private nonprofit hospitals whereby a hospital that elects to participate in the drug discount program established under federal law shall agree to provide charity care on a continuing basis.

**Status:** CHAPTERED (last activity 9/06/05)

SB 750  
Soto

*Medi-Cal: disease management*

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 certain other low-income persons. Existing law requires the department to apply for a waiver of federal law to test the efficacy of providing a disease management benefit to beneficiaries under the Medi-Cal program, including, but not limited to, the use of evidence-based practice guidelines, supporting adherence to care plans, and providing patient education, monitoring, and healthy lifestyle changes. This bill would authorize the department, within its existing budget, to require any Acute Long-Term Care Integration (ALTCI) contractor, as a condition of the contractor's readiness to serve seniors and persons with disabilities in an ALTCI pilot project, to develop performance objectives, and a program related to wellness behaviors and disease management.

**Status:** To Asm. Com. on Health. Set, first hearing. Hearing canceled at the request of author. (last activity 6/28/05)

SB 770  
Romero

*Medi-Cal: Provider enrollment*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law requires a Medi-Cal provider applicant that is not currently enrolled in the Medi-Cal program, or a provider required to apply for continued enrollment, in certain circumstances, to submit a complete application package for enrollment, continuing enrollment, or enrollment at a new location or a change in location. Applicants or providers that meet certain criteria may be granted preferred provider status for up to 18 months. This bill would provide that a physician enrolled and in good standing in the Medi-Cal program who is changing locations within the same county is eligible to continue enrollment at the new location by filing a change of location form, which would be developed by the department, in lieu of submitting a complete application package. This bill would require the department to provide notice upon receipt of a form under this provision. This bill would also provide for the expedited enrollment in the Medi-Cal program of any physician and surgeon licensed by the Medical Board of California or osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California, who meets specified conditions and submits a short form application that would be developed by the department. The bill would grant an applicant under these circumstances provisional provider status for 12 months, after which the provider would receive permanent provider status. Existing law requires the department to provide notice within various timeframes upon receipt of applications pursuant to these provisions or from the date of notifying an applicant or provider that he or she does not qualify as a preferred provider. This bill would reduce

the timeframes within which the department is required to provide notice under these provisions.

**Status:** Set, second hearing. Held in Assembly Com. on APPR. And under submission. (last activity 8/25/05)

SB 840

*Single-payer health care coverage*

Kuehl

Existing law does not provide a system of universal health care coverage for California residents. Existing law provides for the creation of various programs to provide health care services to persons who have limited incomes and 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. Existing law provides for the regulation of health care service plans by the Department of Managed Health Care and health insurers by the Department of Insurance. This bill would establish the California Health Insurance System to be administered by the newly created California Health Insurance Agency under the control of an elected Health Insurance Commissioner. The bill would make all California residents eligible for specified health care benefits under the California Health Insurance 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 require the health care system to be operational within 2 years of enactment, 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 Insurance System, which would then assume responsibility for all benefits and services previously paid for with those funds. The bill would create a health insurance 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 Health Planning to plan for the health care needs of the population, and the Office of Health Care Quality, 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 Insurance System within the Attorney General's office, which would have various oversight powers. The bill would prohibit health care service plan contracts or health insurance policies from being issued for services covered by the California Health Insurance System. The bill would create the Health Insurance Fund and the Payments Board to administer the finances of the California Health Insurance System. 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, regional entities, federal preemption, subrogation, collective bargaining agreements, compensation of health care providers, conflict of interest, patient grievances, independent medical review, and associated matters.

**Status:** Read second time. Amended. Re-referred to Asm. Com. on Rules. (last activity 7/12/05)

## Safety

- AB 4  
Bogh *Vehicles: driver's license: permanent revocation: DUI*  
(1) Existing law requires the Department of Motor Vehicles to revoke for 3, 4, or 5 years, as specified, the driving privilege of a person who has been convicted of a violation of certain provisions prohibiting driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol and any drug (DUI), if the violation occurs within 10 years after 2, 3, or more separate violations of certain DUI provisions. This bill, instead, would require the department to permanently revoke the driving privilege when a person has been convicted of a second violation, in certain limited cases where the first violation was a felony violation, or a third or subsequent violation of the specified DUI provisions within the specified timeframe. The bill would make conforming changes in related provisions of existing law. (2) Existing law requires a person who has been convicted of one or more DUI violations within 10 years to apply to the department for a restricted driver's license that prohibits the person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device. This bill would require the court to require that a person described above with 0.16% or more, by weight, of alcohol in his or her blood at the time of the recent arrest to install a certified ignition interlock device on each vehicle that the person owns or operates and to prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device. Because it is a crime to operate a vehicle that is not equipped with a functioning, certified interlock device by a person whose driving privilege is so restricted, this bill would impose a state-mandated local program by expanding the scope of that crime.  
**Status:** In Asm. Com. on APPR: Set, first hearing. Held under submission. (last activity 5/25/05)
- AB 59  
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, when the person knew that the violence was committed 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, when the person knew that the violence was committed 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.  
**Status:** In Asm. Com. on APPR: Set, second hearing. Held under submission. (last activity 5/25/05)
- AB 86  
Levine *Firearms*  
Existing law directs local law enforcement to submit the description of serialized property which has been reported stolen, lost, found, recovered, or under observation, directly to an automated Department of Justice system. Existing law requires reports of stolen nonserialized property which has unique characteristics or inscriptions permitting accurate identification to be sent by each sheriff or police chief executive directly to the Special Services Section of the department. This bill would delete the latter requirement. It would instead require local law enforcement to submit the description of uniquely inscribed property, as well as serialized property, to the Department of Justice's system. This bill would also provide that any information entered into the Department of Justice system regarding a firearm would remain in the system until the firearm was found, recovered, no longer under observation, or the record was deemed to have been entered in error. The bill would require the costs resulting from this requirement to be reimbursed from funds other than those collected from specified fees relating to firearms.  
**Status:** **CHAPTERED** (last activity 9/02/05)
- AB 88  
Koretz *Assault Weapons*  
Existing law provides penalties for violations of specified provisions involving assault weapons and .50 BMG rifles, as specified. This bill would provide that, subject to exceptions with regard to specified prohibited conduct, there would be a separate and distinct offense for each assault weapon or .50 BMG rifle, as specified.  
**Status:** **CHAPTERED** (last activity 10/07/05)

AB 98 Cohn	<p><i>Firearms</i></p> <p>(1) Existing law generally makes it a crime to carry a concealed handgun. This bill would repeal those provisions and establish the new crime of unlawfully carrying a handgun, as specified. The bill would make it a crime to carry a handgun in a vehicle or upon one's person, subject to exceptions, regardless of whether the handgun was concealed. The bill would also provide additional exceptions to the provisions establishing the crime. The bill would provide that unlawfully carrying a handgun is punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed \$1,000, or by both that imprisonment and fine, as specified. The bill would also provide that the offense would be punishable as a felony if certain circumstances exist, as specified. The bill would further provide that in certain instances the penalty imposed would be by imprisonment in the state prison, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed \$1,000, or by both that fine and imprisonment, as specified. The bill would require courts not imposing the 3-month minimum sentence to specify its rationale, as specified. (2) Existing law makes it a misdemeanor for the driver or owner of a motor vehicle to knowingly permit another person to bring a loaded firearm into the vehicle, as specified. This bill would expand the scope of that crime to include knowingly permitting another person to unlawfully carry a handgun in the vehicle, as specified. (3) Existing law requires dealers to keep a register or record of sales and transfers of firearms. This bill would exempt dealers from the register or record requirement for the loan of an unloaded firearm if certain conditions are satisfied. The bill would state that this provision is declaratory of existing law. (4) Existing law generally regulates the possession and transfer of firearms. This bill would provide that various license, delivery, or certificate requirements would be inapplicable to the loan of a firearm by a dealer, the loan of a handgun, or the loan of a firearm that is not a handgun if certain conditions are met. The bill would state that this provision is declaratory of existing law. (5) The bill would make numerous technical, conforming, and nonsubstantive changes.</p> <p><b>Status:</b> In Asm. Com. on APPR: Set, second hearing. Held under submission. (last activity 5/25/05)</p>
AB 114 Cohn	<p><i>Child Abuse</i></p> <p>Under existing law, evidence of a person's character, such as opinion or specific instances of conduct, is generally not admissible to prove a defendant's conduct on a particular occasion, with specified exceptions. Existing law provides, however, that when a defendant is accused of domestic violence in a criminal action, evidence of the defendant's prior acts of domestic violence may be admitted to prove the defendant's conduct, except as to the findings and declarations of a regulatory agency or when the acts occurred more than 10 years ago or the court exercises its discretion to exclude the evidence of prior acts, as specified. This bill would provide that when a defendant is accused of child abuse in a criminal action, evidence of the defendant's prior acts of child abuse may be admitted to prove the defendant's conduct, except as specified and subject to an evidentiary hearing. The bill would also define "child abuse" for purposes of that provision and would make other nonsubstantive changes.</p> <p><b>Status:</b> <b>CHAPTERED</b> (last activity 10/04/05)</p>
AB 120 Cohn	<p><i>Domestic violence: children</i></p> <p>Under existing law, any person who perpetrates domestic violence, as defined, is subject to both criminal penalties and civil remedies, as specified. This bill would, subject to adequate, discretionary funding from a city or county, authorize the superior court in Santa Clara County to develop a pilot program, and any other county able and willing to participate in that program, to collect data with regard to domestic violence cases and children, as specified. The bill would require superior courts participating in this program to report their findings and recommendations to the Judicial Council on or before December 1, 2006.</p> <p><b>Status:</b> In Com. on Jud. Hearing canceled at the request of the author. (last activity 2/22/05)</p>
AB 220 Committee on Public Safety	<p><i>Domestic violence</i></p> <p>Existing law permits the Board of Prison Terms, at parole hearings, to consider evidence that a prisoner suffered from battered women's syndrome at the time the crime was committed. This bill would change the reference from "battered women's syndrome" to "intimate partner battering."</p> <p>Existing law provides that commissioners and deputy commissioners who conduct parole hearings</p>

must be trained in domestic violence and battered women's syndrome. This bill would change the reference from "battered women's syndrome" to "intimate partner battering." Existing law directs that health care providers be trained in the dynamics of victimization, including battered women's syndrome. This bill would change the reference to intimate partner battering. Existing law provides that a court may consider expert testimony about battered women's syndrome when considering whether or not to grant custody to a parent who has been convicted of murdering the other parent of the child who is the subject of the order. This bill would change the reference from "battered women's syndrome" to "intimate partner battering." Existing law precludes a civil action against a defendant based upon a conviction for murder or attempted murder if the defendant presented substantial evidence at trial that he or she was the victim of battered women's syndrome, or if the defendant's parole was granted due to evidence of battered women's syndrome that was presented to the Board of Prison Terms. This bill would change the reference from "battered women's syndrome" to "intimate partner battering."

**Status:** **CHAPTERED** (last activity 9/06/05)

AB 253

Aghazarian

*Child abuse*

Existing law provides that any person who engages in degrading or immoral habits or practices in the presence of any child in his or her care, custody, or control is punishable by a fine not exceeding \$1,000, imprisonment in a county jail for a period not exceeding 6 months, or both. Existing law also provides that any person who under circumstances or conditions other than those likely to produce great bodily harm or death, having the care or custody of any child, causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by a fine not exceeding \$1,000, imprisonment in a county jail for a period not to exceed 6 months, or by both that fine and imprisonment. This bill would provide that any parent, guardian, or caregiver of a minor child who knowingly and unlawfully consumes, smokes, inhales, ingests, or otherwise uses a specified controlled substance, if the act occurs in the presence of, or is witnessed by, a minor child under his or her care, is punishable by imprisonment in the state prison for 16 months, or 2 or 3 years.

**Status:** In Asm. Com. on Pub. S. Set, second hearing. Hearing canceled at the request of author. (last activity 4/26/05)

AB 352

Koretz

*Firearms: microstamping*

Existing law defines unsafe handguns as failing to pass certain tests, or lacking certain features, as specified. This bill would, commencing January 1, 2009, expand the definition of unsafe handgun to include semiautomatic pistols that are not designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the firearm is fired. By expanding the definition of "unsafe handgun," the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program. Existing law requires the submission of handguns by manufacturers for determining if the handguns are unsafe, as specified. This bill would provide that, commencing on January 1, 2009, no handgun may be submitted for that testing unless the handgun is designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the firearm is fired.

**Status:** To inactive file on motion of Senator Dunn. (last activity 9/08/05)

AB 448

La Suer

*Assault weapons*

Existing law defines assault weapons, and generally regulates the sale, transport, possession, and registration of assault weapons. Existing law also establishes various offenses in connection with violations of these provisions. This bill would repeal those provisions.

**Status:** In Asm. Com. on Pub. S. Set, second hearing. Hearing canceled at the request of author. (last activity 4/19/05)

AB 450 Yee	<p><i>Violent video games: sales to minors</i></p> <p>Existing law regulates the sale of certain merchandise, such as political items and sports memorabilia. This bill would prohibit the sale or rental of violent video games, as defined, to persons who are 16 years of age or younger and require violent video games to be labeled as specified. The bill would provide that a person who violates the act shall be liable in an amount of up to \$1,000 for each violation.</p> <p><b>Status:</b> To inactive file on motion of Assembly Member Yee. (last activity 9/01/05)</p>
AB 506 Montanez	<p><i>Teen dating violence: prevention and education</i></p> <p>Existing law establishes various school safety programs, including, among others, the Carl Washington School Safety and Violence Prevention Act, which requires the Superintendent of Public Instruction to provide funds to school districts serving pupils in any of grades 8 to 12, inclusive, for the purpose of promoting school safety and reducing schoolsite violence. This bill would establish the Teen Dating Violence Prevention Program and would require each school district, by an unspecified date, to establish a policy and protocol, including reporting procedures and response requirements, for dealing with teen dating violence, as defined, in middle schools and in high schools. The bill would also require the State Department of Education to incorporate teen dating violence education curriculum into the health curriculum framework at its next revision. The bill would provide that the program or the incorporation of the teen dating violence education curriculum into the health education framework may not result in any redirection of funding from core academic programs.</p> <p><b>Status:</b> In Asm. Com. on Ed. Set, second hearing. Held under submission. (last activity 5/25/05)</p>
AB 754 Jones	<p><i>Firearms</i></p> <p>Existing law requires persons provides hold a federal firearms license to either obtain a verification number from the Department of Justice when delivering, transferring, or selling a firearm to another federal firearms licensee, or show proof of exemption from local licensing requirements. Violation of these provisions is a misdemeanor. This bill would revise those provisions by removing the option of showing proof of exemption from local licensing and require the transferors to obtain a verification number. The department would then determine if an exemption applies, as specified. The bill would expand the use of the verification number by the department for certain purposes. Violation of these provisions would be a misdemeanor. By changing the definition of an existing crime, this bill would impose a state-mandated local program. Existing law requires a person who as a dealer, importer, manufacturer, or collector of firearms holds a federal firearms license, and whose licensed premises are within the state, to provide a copy of the license to the Department of Justice, as specified. A violation of these provisions is an infraction. This bill would repeal those provisions and instead provide, commencing January 1, 2007, for a centralized list of federal firearms licensees who are exempt from obtaining a firearms dealer license pursuant to state law. Among other things required of the licensees to be on the centralized exempted federal firearms licensee list, the licensees would have to provide the basis for their exemption to the department. The bill would provide that supplying a fictitious name, knowingly supplying false information or knowingly omitting information from the declaration would be a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program. The bill would authorize, commencing January 1, 2007, the department to assess an annual fee upon those licensees for purposes of maintaining the list and for other enforcement and compliance costs. The bill would provide that those licensees may not import or receive firearms unless they are listed on the centralized list of exempted federal firearms licensees or exempted firearms manufacturers. A violation of that requirement would be a misdemeanor. The bill would require certain records be kept for specified periods of time by the exempted federal licensees. A violation of those provisions would be a misdemeanor.</p> <p><b>Status:</b> VETOED (last activity 10/07/05)</p>
AB 776 Chu	<p><i>Child abuse reporting</i></p> <p>Existing law requires certain persons to report incidents of suspected child abuse to specified agencies by telephone and also by written report thereof within 36 hours. This bill would require those agencies to keep a record of all reports received. This bill would permit those written reports to be made via fax or electronic transmission. This bill would also specify that if after reasonable</p>



efforts, a mandated reporter is unable to submit a report by telephone, he or she shall immediately or as soon as is practicably possible make a one-time automated written report and be available to respond to telephone followup by the agency with which he or she filed the report, as specified. This bill would provide that these reports would be captured in the Child Welfare Services/Case Management System and would provide that these provisions would not become operative until that system is updated as necessary and would become inoperative 3 years thereafter or on January 1, 2009, whichever occurs first. This bill would also require the Department of Social Services to submit a report reflecting the reasons stated by mandated reporters for filing a one-time automated written report in lieu of the initial telephone report, as specified.

**Status:** **CHAPTERED** (last activity 10/07/05)

AB 944  
Ridley-  
Thomas

*Firearms*

Existing law generally regulates the licensing and conduct of firearms dealers. This bill would reorganize those provisions. Existing law requires firearms dealers to post certain warnings pertaining to firearms at their place of business. This bill would require an additional warning regarding the dangers of firearms in the home, as specified. Existing law authorizes the Department of Justice to determine, as specified, how certain required information pertaining to firearms transactions shall be submitted by firearms dealers to the department, and describes other documents pertaining to firearms transactions. This bill would require all firearms sales contracts to have the warning conspicuously printed on the first page of the contract. Existing law, subject to exceptions, generally requires persons purchasing handguns to obtain a handgun safety certificate, as specified. Existing law authorizes the Department of Justice to develop an instruction manual for purposes of obtaining the certificate, and to make the manual available to the public. This bill would require the instruction manual to have conspicuously printed on the front page, the specified warning pertaining to the dangers of firearms in the home.

**Status:** In Sen. Com. on Pub. S. Set, first hearing. Hearing canceled at the request of author. (last activity 6/21/05)

AB 979  
Sharon  
Runner

*Driving under the influence: restricted driver's license*

(1) Existing law requires the Department of Motor Vehicles to immediately suspend or revoke the privilege of a person to operate a motor vehicle upon receipt of an abstract of the record of a 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 has complied with certain conditions and requires a person convicted of repeated DUI offenses to have his or her privilege suspended for a period ranging from 2 to 5 years. After completion of 12 to 30 months of the suspension or revocation period, depending upon the particular offense and punishment, the department is required to advise the person that the person may apply to, and be granted, a restricted driver's license that is subject to specified conditions, including installing and maintaining an ignition interlock device. This bill would apply the above provisions governing the issuance of restricted drivers' licenses to the above persons after completion of 12 months of the suspension or revocation period in all cases, rather than the current 12 to 30 month range. (2) Existing law authorizes a peace officer to either immediately arrest a person and cause the removal and seizure of the vehicle he or she was operating or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle, without the necessity of arresting the person, if the peace officer determines that the person was driving the vehicle while his or her driving privilege was suspended or revoked or without having been issued a license. Existing law requires the vehicle to be impounded for 30 days, but allows for the vehicle to be released prior to the end of that 30 days under specified circumstances. This bill would, additionally, apply the above impoundment procedure to a person who is driving in violation of a driver's license restriction requiring that person to operate a vehicle that is equipped with a functioning, certified ignition interlock device.

**Status:** **CHAPTERED** (last activity 10/07/05)

AB 996  
Ridley-  
Thomas

*Ammunition: storage and sale*

Existing law makes it a crime to sell ammunition to a minor, or ammunition designed for a handgun to anyone under 21 years of age. This bill would provide that no retail seller of ammunition shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows the ammunition

to be accessible to a purchaser without the assistance of the retailer or employee thereof. The bill would also provide that violation of these provisions is an infraction or a misdemeanor. The bill would allow local regulation of retail sale and storage of ammunition that is stricter or of a higher standard than that specified in the bill.

**Status:** VETOED (last activity 10/07/05)

AB 1060

*Firearms*

Liu

Existing law authorizes law enforcement agencies to report certain information to the Department of Justice pertaining to a firearm when the firearm is taken into custody for safekeeping by the agency. This bill would require the law enforcement agency to report the information to the department. Existing law provides that where neither party to a firearm transaction is a licensed firearms dealer, the parties may complete the transaction through a sheriff's department, as specified. This bill would repeal those provisions and make additional conforming technical changes consistent with the repeal. The bill would make other technical changes. Existing law generally regulates the licensing and conduct of firearms dealers. The bill would require dealers to store all inventory firearms in secure storage, as specified.

**Status:** CHAPTERED (last activity 10/07/05)

AB 1144

*Playground safety standards*

Harman

Existing law requires the State Department of Health Services, in consultation with specified other agencies and entities, to adopt regulations for the design, installation, maintenance, inspection, supervision where appropriate, and training of personnel involved in the design, installation, and maintenance, of playgrounds either operated by public agencies or operated by any entity where the playground is open to the public. This bill would require the state department to adopt and amend, as necessary, its playground safety standards in order to meet current ASTM (American Society for Testing and Materials) standards for playground safety and other specified standards that relate to the design, installation, inspection, and maintenance of a playground and playground equipment. The bill would require the replacement of equipment or modification of components inside existing playgrounds to conform to the requirements of specified regulations. The bill would provide that an operator of a playground open to the public that was certified in compliance with January 1, 2000, state playground regulations shall not be required to modify playground equipment due to any changes in regulations that occur after January 1, 2006. The bill would repeal the laws governing playground safety standards on January 1, 2010.

**Status:** To inactive file on motion of Senator Romero. (last activity 9/06/05)

AB 1188

*Abuse: reporting*

Wolk

Under existing law, the failure of a mandatory reporter to report child, elder, or dependent adult abuse, is punishable by imprisonment in a county jail for up to 6 months, or by a fine of up to \$1,000, or by both that fine and imprisonment. A supervisor or administrator who impedes or inhibits a report of child abuse is guilty of an infraction that is punishable by a fine of up to \$5,000. Any mandated reporter who willfully fails to report elder or dependent abuse, where that abuse results in death or great bodily injury, is punishable by up to one year in a county jail, by a fine of up to \$5,000, or by both that fine and imprisonment. This bill would make the impeding or inhibiting by a supervisor or administrator of the report of child, elder, or dependent abuse punishable by imprisonment in the county jail for up to 6 months, or by a fine of up to \$1,000, or by both that fine and imprisonment. This bill would provide that any mandated reporter who willfully and unlawfully fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect, where that abuse or neglect results in death or great bodily injury, shall be punished by imprisonment in the county jail for up to one year, a fine of up to \$5,000, or both that fine and imprisonment.

**Status:** CHAPTERED (last activity 9/02/05)

- AB 1189 *Vehicles: motorcycles: rider training programs*  
Bermudez Existing law authorizes the Commissioner of the California Highway Patrol, through contracts with other public agencies or with private entities, to provide financial or other support to projects aimed at enhancing motorcycle operation or safety, including rider training programs. This bill, additionally, would authorize the commissioner to provide financial or other support to projects aimed at enhancing both motorcycle operation and safety.  
**Status:** In Sen. Com. on T & H: Hearing postponed by committee. (last activity 6/13/05)
- AB 1325 *Motor vehicle speed contest*  
Vargas (1) Under existing law, it is a misdemeanor to engage in a motor vehicle speed contest, as described, punishable by, among other things, imprisonment in a county jail for not less than 24 hours nor more than 90 days. This bill would make it a misdemeanor punishable by imprisonment in a county jail for not less than 30 days nor more than 6 months, or a specified fine, or by both the fine and imprisonment, if a person is convicted of engaging in a motor vehicle speed contest and that violation proximately causes bodily injury to a person other than the driver. Because this would create a new crime, the bill provision would impose a state-mandated local program. (2) Under existing law, a person convicted of a violation of the offense described in (1) that occurred within 5 years of the date of a prior offense that resulted in a conviction is punishable by imprisonment in a county jail for not less than 4 days nor more than 6 months and by a specified fine. This bill would make it a misdemeanor punishable by imprisonment in a county jail for not less than 30 days nor more than 6 months and the imposition of a fine if a person is convicted of engaging in the above-described offense within the 5-year period and the most recent offense proximately causes bodily injury to a person other than the driver. The bill would make it a misdemeanor or felony and would require the imposition of a specified fine if a person is convicted of engaging in the above-described offense within the described 5-year period and the most recent violation proximately causes serious bodily injury, as defined, to a person other than the driver.  
**Status:** **CHAPTERED** (last activity 10/04/05)
- AB 1353 *Driving under the influence offenders: education and counseling programs*  
Liu If the court grants probation to any person punished for driving under the influence of alcohol or drugs or for driving under the influence of alcohol or drugs and causing bodily injury to another person, and if the county board of supervisors has approved, and the State Department of Alcohol and Drug Programs has licensed, an alcohol and other drug education and counseling program, in addition to other terms and conditions imposed by the court, existing law requires the court to require as a condition of probation that the driver enroll and participate in, and successfully complete, a driving-under-the-influence program. Existing law requires the court to refer and a first offender whose blood alcohol concentration was 0.20% or more, by weight, or the offender refused to take a chemical test, to participate for at least 6 months or longer in a licensed program that consists of at least 45 hours of program activities. This bill would instead require a first offender whose blood alcohol concentration was 0.20% or more, by weight, or who refused to take a chemical test, to participate for at least 9 months or longer in a licensed program that consists of at least 60 hours of program activities. The bill would make conforming changes.  
**Status:** **CHAPTERED** (last activity 9/02/05)
- AB 1501 *Juvenile prostitution*  
Yee Existing law establishes conditions and procedures for the treatment of juvenile offenders, as specified. This bill would establish a pilot project, to remain in effect until January 1, 2009, requiring the counties of Alameda and Contra Costa, and the City and County of San Francisco to establish a streamlined and coordinated set of protocols for addressing the needs of minors who have been arrested for prostitution. The bill would also require those counties to develop and implement memoranda of understanding between the counties to coordinate services to be provided to minors who are transferred from one county to another.  
**Status:** In Asm. Com. on Pub. S. Hearing postponed by committee. (last activity 4/26/05)
- SB 48 *Ammunition*  
Scott Existing law makes it an offense for any person, corporation, or dealer to sell ammunition or

reloaded ammunition to a person, knowing that person to be under 18 years of age, or to sell ammunition or reloaded ammunition designed and intended for use in a handgun to a person, knowing that person to be under 21 years of age. Existing law also establishes an affirmative defense to the offense if, among other things, the seller relied upon bona fide evidence of majority and identity, as defined. This bill would remove the element of "knowing the person to be under the age" of 18 or 21 years of age, as applicable, from the definition of the offense. The bill would require reasonable reliance upon bona fide evidence of majority and identity, as defined, in order for the affirmative defense to apply. The bill would allow ammunition vendors to sell ammunition or reloaded ammunition that can be used in both a rifle and a handgun to persons at least 18 years of age but less than 21 years of age if the vendor reasonably believes the ammunition is being acquired for use in a rifle and not a handgun.

**Status:** **CHAPTERED** (last activity 10/07/05)

SB 59

Lowenthal

*Firearms: loss and theft*

Existing law defines "firearm" and provides that for certain purposes, including certain offenses, "firearm" includes the frame or receiver of the weapon. This bill would provide that the term "firearm" includes the frame or receiver of the weapon for purposes of the offense of failure to report a stolen or lost firearm. Existing law generally regulates the possession of firearms. This bill would make it an infraction for any person whose handgun is stolen or irretrievably lost to fail, within 5 working days after his or her discovery or knowledge of, or within 5 working days after the date he or she should reasonably have known of, the theft or loss, to report the theft or loss to a local law enforcement agency of the jurisdiction in which the theft or loss occurred or in which the person resides. The bill would require specified notices of this requirement to persons acquiring handguns after January 1, 2006, as specified. The bill would provide that local governments are not prohibited from enacting ordinances imposing reporting requirements that are more strict than those specified in the bill. The bill would require the Attorney General, in cooperation with law enforcement agencies and firearms related organizations to develop a protocol for the implementation of these provisions, as specified, on or before April 1, 2006.

**Status:** Placed on inactive file on request of Assembly Member Canciamilla. (last activity 9/08/05)

SB 116

Dutton

*Child abandonment: newborns*

Existing law makes it a crime for a parent of a minor child, without lawful excuse, to not furnish necessary clothing, food, shelter, or medical or remedial care for the child, or to refuse, without lawful excuse, to accept the child in his or her home or provide alternate shelter. Existing law also makes it a crime for a parent of a child under the age of 14 years to desert the child with intent to abandon, or for any person to knowingly or willfully abandon or, having the ability to refuse to do so, fail to maintain his or her child under the age of 14 years. Existing law, until 2006, provides that no parent or other person having lawful custody of a minor child 72 hours old or younger may be prosecuted for a violation of the above crimes if he or she voluntarily surrenders physical custody of the child to an employee on duty at a public or private hospital emergency room, or any additional location designated by the board of supervisors. Existing law provides that within 48 hours of accepting the physical custody of a child who is surrendered pursuant to these provisions, the personnel that have custody of the child must notify child protective services or a county agency providing child welfare services. Existing law requires that agency to immediately notify the State Department of Social Services of each child to whom this provision applies upon taking temporary custody of the child. This bill would delete that date extending those provisions indefinitely.

**Status:** **CHAPTERED** (last activity 10/07/05)

SB 128

Ackerman

*Gangs*

Existing law, as amended by initiative, provides that any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, or 2 or 3 years. Existing law also defines "pattern of criminal gang activity" to mean the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction

of 2 or more of the certain offenses, as specified. Existing law also authorizes the Legislature to amend these provisions with a 2/3 vote of each house of the Legislature. This bill would add several offenses relating to theft of access cards and personal information to the list of offenses qualifying for a pattern of criminal gang activity.

**Status:** Returned to Secretary of Senate pursuant to Joint Rule 62(a). (last activity 4/27/05)

SB 207

Scott

*Vehicles: driving-under-the-influence: impoundment*

Existing law provides that a peace officer or, in certain other cases, a magistrate, may cause the removal and seizure of a vehicle, under certain circumstances, as specified. Existing law provides that a vehicle so seized may be impounded for 30 days. This bill would authorize a peace officer to immediately cause the removal and seizure of a vehicle from a person who meets certain circumstances relating to driving a motor vehicle while under the influence of alcohol or drugs, or both (DUI), and who has been previously convicted of DUI within the preceding 10 years. The bill would provide for a 5-day impoundment of that vehicle if the person has been convicted of DUI once within the preceding 10 years, and a 15-day impoundment if the person has been convicted of DUI 2 or more times within the preceding 10 years, subject to a hearing and certain exceptions. The bill would prescribe procedures to be followed for the release of the vehicle prior to the end of the impoundment period, including a requirement that a legal owner who has obtained possession of the impounded vehicle not relinquish the vehicle to the registered owner until after the termination of the impoundment period and until after the registered owner has presented a valid driver's license or valid temporary driver's license to the legal owner.

**Status:** CHAPTERED (last activity 10/07/05)

SB 212

Lowenthal

*Lapses of consciousness: reports to Department of Motor Vehicles*

Under existing law, a physician and surgeon is required to report immediately to the local health officer in writing, the name, date of birth, and address of every patient at least 14 years of age or older whom the physician and surgeon has diagnosed as having a disorder characterized by lapses of consciousness. Existing law requires the State Department of Health Services, in cooperation with the Department of Motor Vehicles, to define disorders characterized by lapses of consciousness, and to include within the defined disorders Alzheimer's disease and related disorders that are severe enough to be likely to impair a person's ability to operate a motor vehicle. Existing law further requires the local health officer to provide this information to the Department of Motor Vehicles, for the information of that department in enforcing the Vehicle Code. This bill would delete the existing provisions and instead would authorize a physician and surgeon to report to the Department of Motor Vehicles (DMV) in good faith specified information relating to a patient at least 15 years of age, or 14 years of age if the patient has a conditional license, whom the physician and surgeon has diagnosed as having suffered a lapse of consciousness, or has a disorder or medical condition that may affect the person's ability to drive safely. This bill would require a physician and surgeon to report specified information to the DMV, in writing, regarding patients the physician and surgeon has diagnosed with Alzheimer's disease or another dementia disorder, or with a disorder characterized by lapses of consciousness that might be recurrent, or with an impairment or disorder that compromises the patient's ability to safely operate a motor vehicle. The bill would excuse a physician and surgeon from these mandatory reporting requirements relating to lapse of consciousness disorders under designated circumstances. This bill would require the State Department of Health Services, in cooperation with the DMV, to define disorders characterized by lapses of consciousness for purposes of the bill, and to review and update the definition as necessary. The bill would also require the department, in consultation with certain professional medical organizations, to review and update its existing guidelines for enhancing the monitoring of patients afflicted with the disorders referred to in the bill. The bill would require reports made pursuant to the bill to be kept confidential. It would exempt a physician and surgeon from civil and criminal liability for making a report required by the bill.

**Status:** Referred to Asm. Com. on JUD. Hearing postponed by committee. (last activity 7/05/05)

SB 269

Dutton

*Unsafe handguns*

Existing law exempts certain specified handguns from satisfying the requirements necessary for a handgun not to be classified as unsafe. This bill would also exempt single-shot pistols with a barrel

length of not less than 6 inches and which has an overall length of at least 10 1/2 inches when the handle, frame or receiver, and barrel are assembled.

**Status:** **CHAPTERED** (last activity 10/07/05)

- SB 305 *Firearms*  
Morrow Existing law generally regulates the transfer of firearms, imposing various requirements, including a waiting period for delivery, as specified, and various exceptions to those requirements. This bill would provide exceptions to certain waiting periods for the delivery of a firearm for persons who possess a valid license to carry a concealed firearm, or a certificate of eligibility, as specified.  
**Status:** In Sen. Com. on Pub. S. Set, second hearing. Hearing canceled at the request of author. (last activity 5/03/05)
- SB 388 *Gun violence public education program*  
Poochigian Existing law establishes various public awareness programs related to crime prevention and education. This bill would establish a competitive grant pilot program in 3 jurisdictions, to provide for a one-year program to disseminate information regarding current prison penalties for the personal use of a firearm during the commission of certain felonies. The participating jurisdictions would be required to report to the Legislature and the Governor on the impact of the program, as specified. Each jurisdiction would be required to supply a minimum of 25% matching funds. The implementation of the pilot program would be contingent upon the availability of certain federal grant funds. The bill would provide that its provisions are repealed as of January 1, 2009.  
**Status:** Set, second hearing. Held in Asm. APPR. Committee and under submission. (last activity 8/25/05)
- SB 391 *Street gangs*  
Poochigian Existing law, as amended by initiative, provides that, subject to exceptions, any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, received additional varying terms of imprisonment, including, for a conviction punishable by imprisonment for life, not be eligible for parole until 15 years imprisonment has been served. Existing law provides that these provisions may be amended by the Legislature with a 2/3 vote of each house of the Legislature. This bill would provide that the defendant be subject to the penalty providing the longest term of imprisonment available among the various additional terms of imprisonment, as specified.  
**Status:** In Sen. Com. on Pub. S. Set, first hearing. Failed passage in committee (3-3). Reconsideration granted. (last activity 4/26/05)
- SB 532 *BB devices*  
Torlakson Except as otherwise authorized by law, any person who willfully discharges a firearm in a grossly negligent manner that could result in injury or death to a person is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison. This bill would expand the scope of that offense to include a BB device, as defined, would make the offense involving a BB device punishable by imprisonment in a county jail, not exceeding one year.  
**Status:** Referred to Sen. Com. on APPR. Set, first hearing. Held in committee and under submission. (last activity 5/26/05)
- SB 585 *Protective orders: firearms*  
Kehoe Existing law provides that the form providing notice that a protective order has been requested or granted notify the respondent that he or she shall be ordered to relinquish possession and control of any firearms. Existing law also provides that the court shall order that relinquishment, as specified, within 24 hours of being served the order, and require the respondent to notify the court of the relinquishment within 72 hours. This bill would revise the application for a protective order form to include a space for the petitioner to identify all firearms known to be in the possession of the

respondent, the location of the firearms, the basis for the petitioner's knowledge regarding the existence and location of the firearms, and why the respondent's possession of firearms subjects the petitioner to an increased risk of harm. The bill would also require the respondent to notify the court of the relinquishment within 48 rather than 72 hours, and would require the court, upon issuance of a protective order, to order the respondent to relinquish any firearm in that person's control to local law enforcement officials or a licensed gun dealer, within 24 hours of being served with the order. The bill would authorize the court to issue a search warrant for the immediate search and seizure of any firearm in the respondent's possession upon a judicial finding of probable cause that the respondent's possession of firearms creates an increased risk of harm to the petitioner and that specified firearms will be found a specified location. The bill would also set forth additional procedures for surrendering a firearm to a peace officer.

**Status:** Referred to Sen. Com. on APPR. Hearing postponed by committee. (last activity 5/16/05)

SB 597  
Torlakson

*Good driver discounts: drunk drivers*

Existing law provides that a person is qualified to purchase a Good Driver Discount auto insurance policy if he or she meets specified criteria, including not having been convicted of specified offenses relating to driving while intoxicated during the previous 7 years. The above provisions are amendments of Proposition 103, an initiative statute that may be amended by the Legislature only by a 2/3 vote and in furtherance of its purposes. This bill would change the period during which a person must not have been convicted of one of these offenses to the period commencing on January 1, 1999, or the date 10 years prior to the date of application for the issuance or renewal of the Good Driver Discount policy, whichever is later, and ending on the date of the application for the issuance or renewal of the Good Driver Discount policy.

**Status:** **CHAPTERED** (last activity 7/21/05)

SB 803  
Ducheny

*Ongoing Substance Abuse and Crime Prevention Act of 2005*

Existing law, the Substance Abuse and Crime Prevention Act of 2000, was enacted by the voters at the November 2000 general election. Amendment of the act by the Legislature requires a 2/3 vote of both houses of the Legislature. The act requires all amendments to it to further the act and be consistent with its purposes. The act defines "drug treatment program" for purposes of the act, and specifically excludes in-custody drug treatment from that definition. The act defines "successful completion of treatment" as a defendant who has completed the prescribed course of treatment and, as a result, there is reasonable cause to believe that the defendant will not abuse controlled substances in the future. This bill would instead define "successful completion of treatment" as a defendant who has completed the prescribed course of treatment. Completion of treatment would not mean cessation of narcotic replacement therapy. The act requires any person convicted of a nonviolent drug possession offense to receive probation. As a condition of probation, the court is required to require a defendant to participate in, and complete, an appropriate drug treatment program. The act prohibits the imposition of incarceration as a condition of probation. This bill would require drug testing as a condition of probation. The bill would require a person subject to the act to be monitored by the court, as specified. The act does not apply to a defendant who has been convicted of one or more serious or violent felonies, unless the nonviolent drug possession offense occurred more than 5 years after the defendant was free from custody for the prior offense and from the commission of other types of crimes against a person. This bill would, with respect to the above description of a defendant to whom the act does not apply, add the condition that in order to exclude a defendant the court must find that the defendant poses a danger to the safety of others and would not benefit from a drug treatment program, and would similarly prohibit a person who has previously served 3 separate prison terms for non-drug-related felonies from benefiting from the provisions of the bill, if the court makes that finding. The bill would provide that the court shall state its findings, and the reasons for those findings, on the record. The act does not apply to any defendant who, while using a firearm unlawfully possesses or is unlawfully under the influence of certain controlled substances. This bill would instead make its provisions inapplicable to any defendant who, while armed with a deadly weapon unlawfully possesses or is under the influence of certain controlled substances. Under the act, a defendant may petition the sentencing court for dismissal of the charges at any time after completion of drug treatment. This bill would authorize the court, after a hearing to determine whether the defendant has successfully completed treatment and probation, including refraining from

the use of drugs after completion of treatment, to set the conviction aside, as specified. Under the act, once the indictment, complaint, or information is dismissed, a record pertaining to the arrest and conviction for that offense may not be used to deny the defendant employment. Under the act, if a defendant violates probation, as specified, the court may revoke probation or it may intensify or alter the drug treatment plan. This bill would authorize a court to also order incarceration for a specified period, in order to enhance treatment compliance, and in some circumstances, to order the defendant to complete a residential drug treatment program if available, or be placed in county jail for not more than 10 days for detoxification purposes only. This bill would however, provide that no incarceration costs will be reimbursed from the fund. The act appropriates \$120,000,000 per year for purposes of the act, through the 2005-06 fiscal year. This bill would appropriate \$120,000,000 per year through the 2010-11 fiscal year. Existing law requires an annual study to evaluate the effectiveness of the act. This bill would change the items to be included in that study. Existing law, with some exceptions, prohibits the suspension or revocation of parole for commission of a nonviolent drug possession offense or violating any drug-related condition of parole. Further, existing law prescribes the steps the Parole Authority is to take upon this type of violation, and the actions that any drug treatment provider must thereafter take, as specified. Drug treatment services are not to be required as a condition of parole for longer than 12 months. This bill would authorize the Department of Corrections Parole Division to make a finding that treatment beyond 12 months is necessary, and under those conditions, treatment may extended to 24 months.

**Status:** Heard for testimony only in Assembly Com. on PUB. S. (last activity 8/23/05)

SB 842  
Machado

*Domestic violence*

Existing law requires persons convicted of a crime of domestic violence who are granted probation to successfully complete a batterer's treatment program. This bill would require the Attorney General to conduct a study, as specified, of batterer's treatment programs and to report to the Legislature on the results of this study by June 30, 2008. The bill would provide that these provisions shall be implemented only if and when funding has been made available to the Department of Justice.

**Status:** Set, second hearing. Held in Asm. APPR. Com. and under submission. (last activity 8/25/05)

SB 969  
Ducheny

*Vehicles: motorcycles: safety helmets: exceptions*

Existing law requires a driver and any passenger to wear a safety helmet meeting certain requirements when riding on a motorcycle, motor-driven cycle, or motorized bicycle. This bill would exempt from this requirement a driver who is 18 years of age or older and either has completed a motorcycle rider training program or has been issued a class M1 license or endorsement, or a comparable license or endorsement from another jurisdiction, for 2 years or more has proof of current medical insurance on his or her person. The bill would also exempt from the requirement a passenger who is 18 years of age or older if the passenger has proof of current medical insurance on his or her person.

**Status:** In Sen. Com. on Trans. & Housing. Set first hearing. Failed passage in committee (6-6). Reconsideration granted. (last activity 4/19/05)

SB 1038  
Hollingsworth

*Firearms*

Existing law prescribes the procedure to be followed for the recovery of any firearm confiscated by a law enforcement officer. This bill would provide for an award of attorney's fees if a civil action is required to recover a firearm that was not returned within 5 days.

**Status:** In Sen. Com. on PUB. S. Set, first hearing. Hearing canceled at the request of author. (last activity 4/27/05)

SB 1042  
Hollingsworth

*Firearms*

Existing law, subject to exceptions, makes it an offense for any person to manufacture or cause to be manufactured, import into the state, keep for sale, or offer or expose for sale, or to give, lend, or possess any of certain prohibited weapons, as specified. This bill would make a technical, nonsubstantive change to those provisions.

**Status:** To Com. on Rls. (last activity 3/17/05)



SB 1062

*Domestic violence*

Bowen

Existing law provides that there is in the Office of Emergency Services a Comprehensive Statewide Domestic Violence Program that provides financial and technical assistance to domestic violence shelter service providers. Existing law also provides that the Maternal and Child Health Branch of the State Department of Health Services shall administer a comprehensive shelter-based grant program to battered women's shelters. This bill would provide that if an agency receives funding from both programs during any grant cycle, the Comprehensive Statewide Domestic Violence Program and the Maternal and Child Health Branch shall coordinate agency site visits and share performance assessment data to reduce administrative costs. This bill would make other conforming changes.

**Status:** From inactive file to Assembly third reading file. (last activity 9/02/05)

## Shelter

- AB 237  
Arambula *Farmworker housing*  
Existing law requires the Department of Housing and Community Development to establish the Joe Serna, Jr. Farmworker Housing Grant Program under which grants or loans are made to local public entities, nonprofit corporations, and limited partnerships for the construction or rehabilitation of housing for agricultural employees and their families. Existing law authorizes the loan of funds to a grantee at no more than 3 percent simple interest upon request of a grantee, and requires that grants and loans be matched by the grantee with at least equal amounts of federal moneys, other cash investments, or in-kind contribution. This bill would authorize the department to forgive a loan if it determines forgiveness is necessary to the financing or continued viability of housing pursuant to this program. The bill would also authorize the department to waive the matching requirement for migrant housing funded by specified bond funds if the department finds that the waiver is necessary to ensure the housing can be financed. This bill would declare that it is to take effect immediately as an urgency statute.  
**Status:** In Com. on H. & C.D. Set, first hearing. Hearing cancelled at the request of the author. (last activity 4/04/05)
- AB 292  
Maze *Employee housing: agricultural workers*  
Existing law requires every person operating employee housing to obtain, from the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for the enforcement of provisions regarding employee housing, a permit to operate that employee housing unless exempted from this requirement. Existing law deems 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 designation and, for purposes of all local ordinances, does not deem it a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. This bill would authorize a county to adopt regulations for this housing to limit the application of the above requirements to parcels of 2 acres or larger .  
**Status:** Referred to Asm. Com. on H. & C.D. Set, first hearing. Hearing canceled at the request of author. (last activity 5/04/05)
- AB 350  
Matthews *Jobs-housing opportunity zones*  
Under existing law, redevelopment agencies are authorized to pay the principal of, and interest on, indebtedness incurred to finance or refinance redevelopment, from a portion of property tax revenues diverted from other taxing agencies. The portion of taxes diverted is the amount attributable to increases in assessed valuation of property in the redevelopment project area subsequent to establishment thereof. This method of financing is commonly known as "tax increment" financing and is specifically authorized by Section 16 of Article XVI of the California Constitution. Existing law also authorizes counties and cities to create infrastructure financing districts in the border development zone, as defined, to finance public works utilizing a similar method of tax increment financing in the Mexican border region. This bill would similarly authorize counties and cities to create infrastructure financing districts in jobs-housing opportunity zones, as defined, for the purpose of adopting an infrastructure financing plan to finance public capital facilities in the 5-county interregional partnership area of northern California for the purpose of mitigating current and future imbalances of jobs and housing in the Counties of Alameda, Contra Costa, Santa Clara, San Joaquin, and Stanislaus. Because county officers would be responsible for the division of taxes under the bill, the bill would impose a state-mandated local program in the case of districts formed by cities, but the bill would require all infrastructure financing districts to reimburse those county costs. The bill would also require approval of the proposed infrastructure financing district by the district's landowners or voters, as specified, and of the bonds to be issued by the district to finance public capital facilities.  
**Status:** Read second time, amended, and referred to Sen. Com. on L. Gov. (last activity 7/07/05)
- AB 389  
Arambula *Farm labor housing*  
Under existing law, 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 is deemed an agricultural land use

designation and is not deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. Existing law prohibits a conditional use permit, zoning variance, or other zoning clearance that is not required of any other agricultural activity in the same zone from being required of this employee housing. This bill would state the intent of the Legislature to enact legislation to increase the control of a county board of supervisors over farm labor housing development in areas of the county zoned for agriculture.

**Status:** From printer. May be heard in committee. (last activity 2/15/05)

AB 408  
Tran

*Housing: financial discrimination*

Existing law requires the Secretary of Business, Transportation and Housing to monitor and investigate the lending patterns and practices of financial institutions for compliance with the prohibition against discrimination in the availability of, or in the provision of, financial assistance for the purpose of purchasing, construction, rehabilitation, improving, or refinancing housing accommodations. Existing law also requires the secretary to adopt regulations applicable to all persons who are in the business of originating residential mortgage loans in this state and who are not depository institutions. This bill would repeal these provisions.

**Status:** Referred to Coms. on B. & F. and Jud. Hearing postponed by committee. (last activity 4/18/05)

AB 549  
Salinas

*Affordable housing*

The Planning and Zoning 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. That law also prescribe the provisions to be included in the housing element, including, among other things, an identification of adequate sites for housing, including rental housing, factory-built housing, and mobilehomes, and adequate provision for the existing and projected needs of all economic segments of the community. Existing law, for those purposes, allows a city or county to substitute prescribed affordable housing for a specified percent of the obligation to identify adequate sites for any income category. The Planning and Zoning Law also requires a city, county, or city and county 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. That law also prohibits a local agency from disapproving or imposing specified conditions on an affordable housing development unless it makes specified written findings. This bill would establish a pilot program as an alternative means of determining whether a housing element substantially complies with these provisions by establishing an affordable housing requirement if specified conditions are met by a city, county, or city and county. The bill would require a city, county, or city and county that adopts an alternative production-based certification of its housing element to submit a certification of compliance to the department within 10 days of the adoption of the final draft and to meet other specified criteria, including an unspecified percentage of the jurisdiction's share of the regional housing need for very low, low-, and moderate-income households, as specified. The bill would also revise one of the specified findings for which a local agency may make a written finding, based on substantial evidence in the record, to disapprove or conditional approval of an affordable housing development and would authorize actual damages as compensation for documented quantifiable losses suffered by a plaintiff or petitioner in an action brought to enforce these provisions as a direct result of a local agency disapproving or conditioning its approval of an affordable housing development, as specified.

**Status:** Referred to Coms. on L. Gov. and H. & C.D. Hearing postponed by committee. (last activity 4/06/05)

AB 782  
Mullin

*Housing*

Under existing law, there are programs providing assistance for, among other things, multifamily housing, emergency housing, farmworker housing, homeownership for low- and very low income households, and downpayment assistance for first-time homebuyers. This bill would make legislative findings and declarations regarding the need to make more housing available.

**Status:** From printer. May be heard in committee. (last activity 2/20/05)

- AB 890  
Cogdill      *Housing*  
Existing law contains a legislative finding and declaration that California is experiencing a severe housing shortage that compounds itself further each year. This bill would state legislative findings and declarations regarding the lack, supply, and cost of housing.  
**Status:** From printer. May be heard in committee. (last activity 2/20/05)
- AB 1192  
Villines      *Public Works: prevailing wages: affordable housing*  
Existing law generally requires the payment of the general prevailing rate of per diem wages to workers employed on public works projects costing over \$1,000, unless the awarding body, as defined, elects to initiate and enforce a labor compliance program, as defined, for every public works project under the authority of that awarding body. Existing law generally defines "public works" to include construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, but exempts from that definition, among other projects, qualified residential projects and low-income housing projects, as specified. This bill would additionally exempt from the definition of "public work" and the prevailing wage requirements the construction, expansion, or rehabilitation of affordable housing units for low- and moderate-income persons, as defined, performed by a nonprofit organization, as defined.  
**Status:** In Asm. Com. on L. & E. Set first hearing. Failed passage. Reconsideration granted. (last activity 4/20/05)
- AB 1203  
Mullin      *Housing: regional job growth*  
Existing law requires a city or county to include a housing element in its general plan, and, for that purpose, prescribes criteria for determining the city or county share of the regional housing needs, including a requirement that the distribution of regional housing needs take into account, among other things, market demand for housing and employment opportunities. This bill would declare the Legislature's intent to authorize local governments to create Greyfield housing and investment zones in coordination with a regional process, in specific areas where additional job growth and high density housing is desired to match transportation, air quality, and other regional priorities. The created zones shall have tax increment authority, access to transportation funds, future infrastructure improvement funds, and affordable housing funds.  
**Status:** From printer. May be heard in committee. (last activity 2/24/05)
- AB 1233  
Jones      *Housing element: regional housing need*  
The Planning and Zoning 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 the jurisdiction'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. The Planning and Zoning Law also requires the local government to identify specified actions that will be taken to make sites available during the planning period of the general plan to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified above. This bill would require for housing elements due on or after January 1, 2006, that, for purposes of making the assessment and inventory for meeting the locality's share of the regional housing need for the new housing element, if the city or county failed to identify or make available adequate sites to accommodate that portion of the regional housing need allocated pursuant to Section 65584, then the city or county shall, within the first year of the planning period of the new housing element, zone or rezone adequate sites to accommodate the unaccommodated portion of the regional housing need allocation from the prior planning period.  
**Status: CHAPTERED** (last activity 10/06/05)
- AB 1367  
Evans      *General plans: regional housing need*  
The Planning and Zoning 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 regional housing needs. That share is determined by the appropriate council of governments or by the Department of Housing and Community Development, subject to revision by the department. This bill would, notwithstanding these provisions, prohibit a state, local, or regional agency, or any other governmental entity from enacting regulations applicable to a city or county's fair share of the regional housing need that are contrary to the land use determinations made in compliance with locally adopted land use initiatives.

**Status:** In Asm. Com. on L. GOV. Set, first hearing. Hearing canceled at the request of author. (last activity 4/18/05)

AB 1372

*Farmworker housing*

Nunez

The existing Employee Housing Act requires a person operating employee housing to obtain a permit to operate that housing from the agency that enforces the act, which can be either the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for enforcing the act. This bill would, notwithstanding any provision of the Employee Housing Act, authorize a person or entity that employees agricultural employees to provide short-term housing, not to exceed 45 days, to those agricultural employees in preexisting hotels, motels, or apartment buildings.

**Status:** In Asm. Com. on H. & C.D. Set, second hearing. Hearing canceled at the request of author. (last activity 4/27/05)

AB 1390

*Housing*

Jones

(1) Existing law requires a redevelopment agency to use at least 20% of its tax increment revenues for the purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable cost to persons and families of low or moderate income and lower, very low, and extremely low income households that are occupied by these persons and families unless the agency makes certain findings. Existing law makes a redevelopment agency liable for all court costs and plaintiff's attorney's fees, and requires the agency to allocate not less than 25% of its tax increment revenues to its Low and Moderate Income Housing Fund every year if a court determines that an agency knowingly misrepresented any material facts regarding the community's share of its regional housing need for low- and moderate-income housing or the community's production record in meeting its share of the regional housing need. This bill would require an action to compel compliance with these provisions to be commenced within 10 years of the alleged violation and would provide that the cause of action for a violation accrues on the last day of the fiscal year in which the funds were required to be deposited in the Low and Moderate Income Housing Fund or, in the case of a violation regarding the improper use of the funds, on the date of the actual expenditure of the fund. The bill would require an agency found to have deposited less into the Low and Moderate Income Housing Fund than mandated by law or to have spent moneys from the Low and Moderate Income Housing Fund for purposes other than increasing, improving, and preserving the community's supply of low- and moderate-income housing, as mandated by law, to repay the fund with interest in one lump sum with certain exceptions. (2) Existing law requires dwelling units housing persons and families of low and moderate income that are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project to be rehabilitated, developed, or constructed. Existing law makes the required number of those new or rehabilitated dwelling units contingent on whether those units are developed by the agency or by public or private entities or persons other than the agency. Existing law defines "substantially rehabilitated dwelling units" for purposes of this requirement as including all units substantially rehabilitated with agency assistance and before January 1, 2002, includes substantially rehabilitated multifamily rented dwelling units with one or 2 units that are substantially rehabilitated with agency assistance. Existing law also defines "substantial rehabilitation" as meaning rehabilitation that value of which constitutes 25% of the after rehabilitation value of the dwelling, inclusive of the land value. Existing law repeals these definitions on January 1, 2006. This bill would delete the repeal of the definition of "substantially rehabilitated dwelling units" and "substantial rehabilitation."

**Status:** **CHAPTERED** (last activity 9/29/05)

AB 1450

*Land use: density bonus*

Evans

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 if the developer agrees to construct a specified percentage of the total units for specified income households or qualifying residents and requires the developer to agree to the continued affordability of the units, as specified. This bill would require units targeted for moderate income households to be affordable at a rent that does not exceed 30% of 120% of the median income. When a unit targeted for moderate income households is sold, the bill would require the local government to either require restrictions and conditions on the resale to ensure the continued affordability to and occupancy by households of moderate income for at least 30 years or permit the seller to retain the value of improvements, the downpayment, and the seller's proportionate share of appreciation. The bill would authorize the local government to require the resale or transfer of the unit to be subject to its prior approval and subject to reasonable restrictions and conditions. The bill would also authorize the local government to refuse to approve a resale or transfer of the unit at less than 95% of its fair market value.

**Status:** In Asm. Coms. on L. Gov. Set, first hearing. Hearing canceled at the request of author. (last activity 4/13/05)

AB 1461  
Salinas

*Community Development Block Grant Program Funds*

Under existing law, the Department of Housing and Community Development allocates federal community development block grant funds to cities and counties. Existing law specifies the percentage of the federal community development block grant funds that are to be used for economic development projects and programs, housing for persons and families of low or moderate income or for purposes directly related to the provision or improvement of housing opportunities for these persons and families, and for cities and counties that apply on behalf of certain Indian tribes. Existing law sets forth the maximum amount of the grants. This bill would, until January 1, 2009, delete the limits on the maximum amount of grants. The bill would require the Department of Housing and Community Development, until January 1, 2009, to determine, and announce in the applicable Notice of Funding Availability, the maximum amounts. The bill would, until January 1, 2009, delete the requirement that 10% of the total amount of funds be awarded to small cities and counties and would instead require the department to determine the percentage and maximum amount of these funds that would be allocated to small cities and counties. The bill would require the department to submit to the Legislature a report that indicates the number, amounts, and types of grants provided under these changes. The bill would reinstate existing law on January 1, 2009.

**Status:** **CHAPTERED** (last activity 9/06/05)

AB 1479  
Frommer

*Jobs-Housing Balance Improvement Program*

Existing law establishes the Jobs-Housing Balance Improvement Program, which requires the Department of Housing and Community Development to make to local agencies to, among other things, attract new business and jobs in communities that lack an adequate employment base in relation to existing housing. Existing law requires the department to report annually to the Governor and the Legislature on the operations and accomplishments during the previous fiscal year of the housing programs administered by the department, including specified information. This bill would additionally require the department to report to the Governor and the Legislature, with respect to units produced pursuant to the Jobs-Housing Balance Improvement Program, information detailing the proximity of the units to job centers.

**Status:** In Asm. Com. on H. & C.D. Set, first hearing. Hearing canceled at the request of author. (last activity 4/27/05)

AB 1574  
Jones

*Housing: discrimination*

The Fair Employment and Housing Act states the intent of the Legislature to occupy the field of regulation of discrimination in employment and housing encompassed by its provisions, exclusive of all other laws prohibiting discrimination in employment and housing by any city, county, city and county, or other political subdivision of the state, except as specified. The act also authorizes the Department of Fair Employment and Housing to receive, investigate, or conciliate complaints, or to issue written accusations regarding unlawful employment or housing discrimination practices. This bill would, notwithstanding these provisions, authorize the County of Sacramento and the City of

Sacramento, until January 1, 2010, to enact laws prohibiting discrimination in housing that are substantively identical to the protections against discrimination as provided by the act. The bill would require that a complainant may only bring his or her complaint with either the local Fair Employment and Housing Commission of Sacramento or the department and would require the local commission to conform the interpretation, application, and enforcement of its ordinance to the practices and precedents established by the department.

**Status:** In Sen. Com. on JUD. Set final hearing. Failed passage. Reconsideration granted. (last activity 7/12/05)

SB 223  
Torlakson

*Infill housing*

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 housing element also includes a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. Existing law requires the housing element of a local general plan to identify adequate sites for affordable housing to be made available through appropriate zoning and development standards. 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. Existing law requires the Department of Housing and Community Development, the California Housing Finance Agency, and various other state and local agencies to administer programs to provide affordable housing through incentives to developers, rental housing assistance, and loans or grants for downpayment, interest subsidy, relocation, veterans' programs, and other home purchase assistance. This bill would establish the Job-Center Housing Planning Program to be administered by the Department of Housing and Community Development for the purpose of providing loans, to the extent funds are made available for this purpose, to cities, counties, and cities and counties to adopt specific plans that provide for additional infill housing opportunities. The bill would require, as a condition of loan eligibility, that a specific plan meet specified criteria, including that it cover an area that is predominantly urbanized and served by public transportation and that it allow for the development of at least 200 new housing units in a nonmetropolitan area or 500 new housing units in a metropolitan area. The bill would limit the amount of a loan from the fund to \$1,000,000 for a term of not more than 10 years at 3% simple interest, except that the department would be permitted to extend the term of the loan. The bill would authorize the use of loan funds for plan-related costs, such as public participation, including a charrette, as defined, outside of regularly scheduled meetings of established governing bodies. The bill would require the department to adopt regulations to implement the program, but would authorize the department to administer the program using guidelines for 24 months from the date funds first become available and during that time the guidelines would not be subject to the Administrative Procedure Act.

**Status:** Set, second hearing. Held in Asm. Com. on APPR. And under submission. (last activity 8/25/05)

SB 326  
Dunn

*Land use: housing elements*

Existing law requires a multifamily residential housing project to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions. Among those conditions are that the project is subject to a discretionary decision, other than a conditional use permit, and a negative or mitigated negative declaration has been adopted for the project under the California Environmental Quality Act (CEQA). Existing law permits the negative or mitigated negative declaration to be adopted only after a public hearing to receive comments on that declaration if a public hearing is not held with respect to the discretionary decision. This bill would revise these conditions and apply them only to an attached housing development, as defined, on any parcel zoned for an attached housing development. The bill would make these provisions applicable to all cities and counties, including charter cities.

**Status:** CHAPTERED (last activity 10/06/05)

- SB 435      *Housing: density bonuses*  
Hollingsworth      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 and other incentives or concessions for the production of lower income housing units or the donation of land within the development if the developer meets certain requirements, including a requirement that the developer agrees to construct a specified percentage of the total units for specified income households or qualifying residents. This bill would include within those eligibility requirements the construction of a mobilehome park that limits residency based on age requirements for housing for older persons and the construction, for persons and families of moderate income, of a community apartment project and a stock cooperative.  
**Status:** **CHAPTERED** (last activity 10/04/05)
- SB 587      *Housing: CalHome Program*  
Battin      Under existing law, CalHome Program funds are required to be used for the purpose of enabling low- and very low income households to become or remain homeowners. This bill would make technical, nonsubstantive changes in the findings and declarations regarding the CalHome Program.  
**Status:** To Com. on Rls. (last activity 3/3/05)
- SB 673      *CEQA: legislative intent: housing projects*  
Denham      The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. This bill would declare the intent of the Legislature to enact legislation that would revise the requirements of CEQA governing the environmental review of proposed residential housing projects in urban areas that have demonstrated housing shortages.  
**Status:** To Com. on Rls. (last activity 3/10/05)
- SB 950      *Housing*  
Torlakson      (1) Existing law authorizes a redevelopment agency to issue negotiable revenue bonds for the purpose of making or purchasing mortgage or construction loans or making loans to a qualified mortgage lender, to finance residential construction. This bill would require that units reserved for occupancy by low or very low income households and financed with proceeds of bonds issued on or after January 1, 2006, remain available following the expiration or termination of the qualified residential project period, except as specified, to an eligible household occupying a reserved unit, at a rent not greater than the amount set forth by the regulatory agreement entered into by the redevelopment agency before the date of expiration or termination, until the earliest of certain events. (2) Existing law provides for the creation of housing authorities of counties and cities and authorizes a housing authority to issue bonds for any of its corporate purposes, which include providing financing for the acquisition, construction, rehabilitation, refinancing, or development of dwelling accommodations for persons of low income. This bill would require that units reserved for occupancy by low-or very low income households and financed with proceeds of bonds issued on or after January 1, 2006, remain available following the expiration or termination of the qualified residential project period, except as specified, to an eligible household occupying a reserved unit, at a rent not greater than the amount set forth by the regulatory agreement entered into by the housing authority before the date of expiration or termination, until the earliest of certain events. (3) Existing insurance tax law, the Personal Income Tax Law, and the Corporation Tax Law, in modified conformity to federal income tax laws, allow taxpayers a credit against the taxes imposed by those laws for providing low-income housing, and require the California Tax Credit Allocation Committee to allocate the credit in accordance with specified criteria. This bill would expand the categories of housing projects with respect to which a credit is allowed by broadening the category of at-risk of conversion housing and extending the eligible time period in which expirations of specified subsidies may occur. (4) 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 provide a notice of the proposed change to each



affected tenant household residing in the assisted housing development and to the affected public entities. An owner is not required to provide the notice if specified conditions contained in a regulatory agreement has been recorded against the property. This bill would modify those conditions with respect to rent increases on assisted and unassisted units, as provided.

**Status: CHAPTERED** (last activity 10/04/05)

SB 1087  
Florez

*Housing elements: services*

(1)The Planning and Zoning 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. That law also requires that the housing element adopted by the legislative body of the city, county, or city and county and any amendments made to that element be delivered to all public agencies or private entities that provide water services at retail or sewer services within the territory of the legislative body. The Planning and Zoning Law also requires each public agency or private entity providing these services to grant a priority for the provision of available and future resources or services to proposed housing developments that help meet the legislative body's share of the regional housing need for lower income households as identified in the housing element and any amendments to the housing element. This bill would require that the adopted housing element and any amendments be delivered immediately to all public agencies or private entities that provide water or sewer services, as specified, would apply these provisions to proposed developments that include housing units affordable to lower income households, and would require, on or before July 1, 2006, that these public agencies or private entities adopt written policies and procedures, and at least once every 5 years thereafter, with specific objective standards for provision of these services in conformance with these provisions. The bill would also require the Public Utilities Commission to adopt written policies and procedures for use by private water and sewer companies regulated by the commission in a manner consistent with these provisions. By increasing the duties of local public officials, the bill would impose a state-mandated local program. This bill would also provide that a provider of water or sewer services may not deny or condition the approval of an application for services, or reduce the amount of the services applied for, if the proposed development includes housing affordable to lower income households, except upon making specified findings. The bill would make these provisions applicable to charter cities. (2) The Urban Water Management Planning Act requires urban water suppliers to prepare and adopt urban water management plans for submission to the Department of Water Resources, which identify and quantify the existing and planned sources of water available to the water supplier's service area based on specified factors. This bill would also require that the water use projections required by these provisions include the projected water use for single-family and multifamily residential housing for lower income households as identified in the housing element of any city, county, or city and county in the service area of the supplier.

**Status: CHAPTERED** (last activity 10/07/05)

## Transportation

- AB 56  
Wolk      *Transportation: bicycles*  
Existing law, until January 1, 2005, applies color-lighted bicycle symbols shown by official traffic control signals to operators of bicycles. Existing law authorizes those bicycle signals to be used only at locations that meet specified standards adopted by the Department of Transportation. This bill would extend those provisions indefinitely.  
**Status: CHAPTERED** (last activity 7/25/05)
- AB 383  
Montanez      *Air pollution: motor vehicle inspection program: repair assistance*  
Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs and the State Air Resources Board, that provides for the inspection of all motor vehicles, except those specifically exempted from the program, upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law provides for a repair assistance program available to (1) an individual whose maximum income level is 185% of the federal poverty level and whose vehicle has failed a smog check inspection or who was issued a notice to correct for an alleged violation of unlawful motor vehicle exhaust discharge, if the vehicle subject to that notice has failed a smog check inspection subsequent to receiving that notice, or both, and (2) an owner of a motor vehicle that has failed a smog check inspection and that is directed to a test-only facility. This bill would make the repair assistance program available to an individual who meets the criteria in (1) above whose maximum income level is 200% of the federal poverty level, and to an individual who meets the criteria in (2) above. The bill would require the department to give priority to applications submitted pursuant to the criteria in (2) above, as specified. The bill would, on January 1, 2009, set the maximum income level relative to the criteria in (1) above at 185% of the federal poverty level. The bill would authorize the department to increase the maximum income level of low-income motor vehicle owners to a maximum of 225% of the federal poverty level if the department determines that existing budget allocations would support the increase. This bill would also make a conforming change in the definition of "low-income motor vehicle owner" regarding the owner's income level as a percentage of the federal poverty level.  
**Status: CHAPTERED** (last activity 10/06/05)
- AB 509  
Richman      *Regional transportation agencies*  
Existing law authorizes the Department of Transportation or local agencies with respect to highways under their respective jurisdictions to designate certain lanes for exclusive use by high-occupancy vehicles (HOVs). Existing law also authorizes certain local agencies to conduct, administer, and operate value pricing and transit development programs, under which single-occupant vehicles may use designated HOV lanes at certain times of day upon obtaining a permit and paying a fee, otherwise known as a "high-occupancy toll (HOT) lane." This bill would authorize regional transportation agencies to enter into agreements to finance regional user-fee based transportation projects.  
**Status: Referred to Com. on Trans.** (last activity 2/28/05)
- AB 540  
Liu      *State highway projects*  
Existing law gives the Department of Transportation full possession and control of state highways and associated property. Existing law establishes a process for constructing improvements to the state highway system, including a requirement for freeway agreements with affected local governments. This bill would require the department, prior to finalizing design and commencing construction on a state highway project, including a project not requiring preparation of full-scale environmental documents, to first meet and confer with the governing body of the affected city or county, and to thereafter hold at least one public meeting at a time and place that is convenient for the affected community. Following the consultation and public hearing, the bill would provide that the department, to the maximum extent possible, modify the project as necessary to address local concerns.  
**Status: In Asm. Com. on Trans.** Hearing postponed by committee. (last activity 4/18/05)

- AB 1020  
Hancock *Planning: smart growth models*  
Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional agencies. This bill would require certain federally-designated metropolitan planning organizations and certain state-designated regional transportation planning agencies to develop and implement improved regional travel models incorporating smart growth concepts and to undertake other related planning activities, thereby imposing a state-mandated local program. The bill would require the department to provide all necessary financial assistance to these agencies. The bill would require all transportation models used by state or regional agencies to be usable on personal computers and to be made available to the public. The bill would enact other related provisions.  
**Status:** In Asm. Com. on TRANS and L. GOV. Set, first hearing. Hearing canceled at the request of author. (last activity 4/25/05)
- AB 1170  
Canciamilla *San Francisco Bay Area Rapid Transit District: seismic retrofit work: joint use agreements*  
Existing law creates the San Francisco Bay Area Rapid Transit District to construct and operate a rail transit system in the Bay Area. The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. The act exempts from the requirement specified discretionary projects, including specific actions necessary to prevent or mitigate an emergency. Existing law includes in those exempt actions, until June 30, 2005, the San Francisco Bay Area Rapid Transit District's seismic retrofit work on any existing structures or facilities, as specified, necessary for rapid transit service if the district conducts 3 workshops and other outreach efforts to ensure public awareness of the proposed seismic retrofit work prior to commencement of construction. This bill would revise the exemption applicable to the district's seismic retrofit work on existing structures or facilities and impose certain conditions relative to the exemption. The bill would make these provisions operative until June 1, 2010. Existing law authorizes the district to enter into agreements for the joint use of any property and rights by the district and any city, public agency, or public utility operating transit facilities for various cooperative ventures relative to transit service. This bill would revise and recast these provisions.  
**Status:** **CHAPTERED** (last activity 10/05/05)
- AB 1387  
Jones *CEQA: residential infill projects*  
The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA prohibits a public agency from approving or carrying out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes specified findings with respect to each significant effect, including, among other things, that (1) the changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment or (2) those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. The bill would provide that, if a residential project, not exceeding 200 units, on an infill site, as defined, in an urbanized area, as defined, is in compliance with the traffic, circulation, and transportation policies of the general plan and applicable ordinances of the local government, and the local government with jurisdiction over the area where the project is located requires that the mitigation measures approved in a previously certified environmental impact report applicable to the project be incorporated into the project, the local government is not required to comply with specified requirements with respect to the making of any findings regarding the significant environmental effects from impacts of the project on traffic at intersections, or on streets, highways, or freeways.  
**Status:** In Asm. Com. on Nat. Res. Set, second hearing. Hearing canceled at the request of author. (last activity 4/25/05)

- AB 1623  
Klehs      *County transportation agencies: congestion management and environmental mitigation fee*  
Existing law provides for the imposition by air districts and other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles. This bill would authorize the Alameda County Congestion Management Agency, the Contra Costa Transportation Authority, the Transportation Authority of Marin, the Napa County Transportation Planning Agency, and the Sacramento Transportation Authority to impose an annual fee of up to \$5 on motor vehicles registered within those counties for a program for the management of traffic congestion and the mitigation of environmental impacts of motor vehicles within that county. The bill would require the agency to have an independent audit performed on the program and to provide its findings to the Legislature. The bill would require a program with performance measures and a budget before the fee may be imposed. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the proceeds, after deduction of specified administrative costs, to the agency. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the owners of motor vehicles paying the fee, and would require the agency to make a specified finding of fact by a 2/3 vote. The authority to impose the fee would terminate 10 years and 6 months after the effective date of the bill.  
**Status:** VETOED (last activity 10/07/05)
- SB 521  
Torlakson      *Local planning: transit village plans*  
The Transit Village Development Planning Act of 1994 authorizes a city or county to prepare a transit village plan for a transit village development district that includes all land within not more than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined, and addresses specified characteristics, including a neighborhood centered around a transit station and a mix of housing types, including apartments, that is planned and designed, as specified, and any 5 of demonstrable public benefits that reduce traffic congestion. The Community Redevelopment Law specifies both the physical and economic conditions that cause blight. This bill would require a transit village plan to include a transit station and a parcel, at least 1/2 of which is within not more than 1/4 mile of the exterior boundary of the parcel on which the transit station is located or parcels located in an area equal to the area encompassed by a 1/4 mile radius from the exterior boundary of the parcel on which the station is located. The bill would, additionally, define an economic condition of blight for purposes of the Community Redevelopment Law to include the lack of high density development within a transit village development district and would specify requirements to be met by a local agency that relies on this condition to redevelop a project area that is also a transit village development district. The bill would require the redevelopment agency to submit the proposed redevelopment plan ordinance to the California Infrastructure and Economic Development Bank for review and approval and would prohibit the bank from approving new project areas pursuant to these provisions after December 31, 2012, and from approving more than 25 project areas statewide. The bill would exempt this project area from the requirement that it be characterized as predominantly urbanized if the California Infrastructure and Economic Development Bank makes a specified finding as part of its approval of the redevelopment plan ordinance. The bill would require the redevelopment agency to procure an independent study on compliance with these provisions and the effectiveness of the project area in fulfilling the intent and substance of the Transit Village Planning Development Act. The bill would require the study to be submitted to the Legislature and the California Infrastructure and Economic Development Bank by December 31, 2011.  
**Status:** From committee with author's amendments. Read second time. Amended. Re-reference to Asm. Com. on H. & C.D.(last activity 9/02/05)
- SB 523  
Torlakson      *Bicycle Transportation Account: funding*  
Existing law specifies the amounts apportioned monthly from the Highway Users Tax Account in the Transportation Tax Fund to cities and counties and the amounts transferred monthly to the Bicycle Transportation Account in the State Transportation Fund. Under existing law, until June 30, 2006, the sum of \$600,000 is required to be transferred monthly to the Bicycle Transportation Account from the Highway Users Tax Account, but after that date, the amount transferred monthly is to be reduced to \$416,667. Existing law continuously appropriates the money in the Bicycle Transportation Account. This bill would delete the provision that reduces the amount to be

transferred after June 30, 2006, from the Highway Users Tax Account to the Bicycle Transportation Account, thereby maintaining the monthly transfer amount of \$600,000. Because the bill would increase the amount of revenue in the Bicycle Transportation Account, it would make an appropriation.

**Status:** VETOED. In Senate. To unfinished business. (last activity 10/11/05)