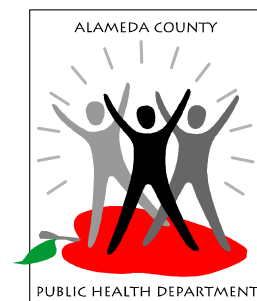


Public Health Legislation from the 2011 California Legislative Session

Prepared by Sarah Levi, August 2012

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 passed and signed into law during the 2011 session of the California State Legislature and is organized by Health Care Services Agency Departments, Public Health Department Divisions and by the social determinants of health (criminal justice, economic development, income, education, housing land use and transportation). All bills are included only once under the most appropriate category, although many could appropriately be included in more than one category. You may want to browse other sections to make sure you haven't missed a bill that is of importance to you.

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

Unless otherwise indicated, all legislation will become effective on January 1, 2012.

Legislative Council

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

Feedback

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

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Health Care Services Agency

- AB 113 *Health: hospitals: Medi-Cal*
Monning Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law establishes the continuously appropriated Health Care Deposit Fund from which expenditures of state, county, and federal funds for health care and administration under the Medi-Cal program are made as specified. Existing law authorizes the department to accept any elective transfer of funds from a county, political subdivision, or other governmental entity, and provides the department with the discretion of whether or not to deposit the transferred funds into the Medi-Cal Inpatient Payment Adjustment Fund, which is continuously appropriated and consists of moneys transferred to the fund to be used as the nonfederal share of payment adjustments made to hospitals under the Medi-Cal program. This bill would require the department to establish, implement, and maintain the Nondesignated Public Hospital Intergovernmental Transfer Program, as specified, to assist nondesignated public hospitals in achieving federal financial participation to the fullest extent permitted by federal law. This bill would provide that a transferring entity, as defined, may agree to transfer its intergovernmental transfer allocation, as defined, to the state in accordance with the program and would require the state to deposit the transferred funds into the Medi-Cal Inpatient Payment Adjustment Fund. This bill would require funds transferred into the Medi-Cal Inpatient Payment Adjustment Fund to be, in part, transferred to the Health Care Deposit Fund for specified purposes. By increasing the amount of moneys that may be deposited into the Medi-Cal Inpatient Payment Adjustment Fund and the Health Care Deposit Fund, and by revising the purposes for which moneys in those funds shall be used, this bill would make an appropriation. This bill would authorize the state to retain 9% of each intergovernmental transfer amount to reimburse the department, or to transfer to the General Fund, for the administrative costs of operating the program and for the benefit of Medi-Cal children's health programs. This bill would appropriate \$1,500,000,000 from the Hospital Quality Assurance Revenue Fund and \$1,500,000,000 from the Federal Trust Fund to the department to be available for expenditure for specified purposes until January 1, 2014. This bill would become operative only if SB 90 of the 2011-12 Regular Session of the Legislature is enacted. This bill would declare that it is to take effect immediately as an urgency statute.
- AB 151 *Medicare supplement coverage*
Monning 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 willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires plans and insurers that issue Medicare supplement contracts or policies, as defined, to comply with specified requirements. Existing law requires issuers to make available to specified individuals who are 64 years of age or

younger and who do not have end-stage renal disease, Medicare supplement benefit plans A, B, C, and F, and Medicare supplement benefit plan H, I, or J, or Medicare supplement benefit plan K or L, as specified. Existing federal law prohibits the issuance of new Medicare supplement plans H, I, and J, and instead authorizes the issuance of Medicare supplement plans M and N, as specified. This bill would delete from those provisions obsolete references to plans H, I, and J, and instead require the issuer to make available Medicare supplement benefit plans A, B, C, and F, and Medicare supplement benefit plan K or L, or Medicare supplement benefit plan M or N, as specified. Existing law prohibits an issuer from denying Medicare supplement coverage to an eligible individual who is guaranteed issue under specified circumstances. Existing law requires certain eligible individuals to be guaranteed issue of Medicare supplement plan A, B, C, F (including a high deductible plan F), K, or L. This bill would add to that guaranteed issue requirement Medicare supplement plans M and N. Existing law provides that an individual enrolled in a Medicare Advantage plan (Medicare Part C) that reduces any of its benefits, or increases cost sharing, or terminates certain relationships with providers, is eligible for Medicare supplement coverage that is issued by the same issuer of his or her Medicare Advantage plan or by a subsidiary of, or a network that contracts with, the parent company of that issuer. This bill would extend that eligibility to an individual enrolled in a Medicare Advantage plan that increases its premium. The bill would provide that an individual enrolled in a Medicare Advantage plan is eligible for specified Medicare supplement coverage from any issuer under the circumstances described above if the issuer of his or her Medicare Advantage plan, or the subsidiary or network of the parent company, does not offer any other Medicare supplement coverage and only offers a Medicare Advantage plan or plans, and other specified conditions are met.

AB 301
Pan

Medi-Cal: managed care

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. Existing law provides for the department to enter into contracts with managed care systems, hospitals, and prepaid health plans for the provision of various Medi-Cal benefits. Existing law prohibits services covered by the California Children's Services program (CCS) from being incorporated into a Medi-Cal managed care contract entered into after August 1, 1994, until January 1, 2012, except with respect to contracts entered into for county organized health systems in specified counties. This bill would extend to January 1, 2016, the termination of the prohibition against CCS covered services being incorporated into a Medi-Cal managed care contract entered into after August 1, 1994. Existing law requires the provider rates of payment for services rendered for the Healthy Families Program to be identical to the rates of payment for the same service performed by the same provider type pursuant to the Medi-Cal program if the services are provided by a Medi-Cal provider. This bill would require identical rates only if the service was provided by a Medi-Cal provider pursuant to specified contracts.

- AB 667
Mitchell *Medi-Cal: subacute care program*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law requires the department to establish a subacute care program in health facilities in order to more effectively use limited Medi-Cal dollars while ensuring needed services for patients who meet subacute care criteria, as established by the department. Existing law provides that, for the purposes of this program, subacute care may be provided by any facility designated by the Director of Health Care Services as meeting subacute care criteria and that has an approved provider participation agreement with the department. Existing law also provides that subacute patient care shall be defined by the department based on the results of a specified study. This bill would delete the requirement that the department define subacute patient care based on the results of the study. This bill would require, for the purposes of the subacute care program, medical necessity for pediatric subacute care services, as defined, to be substantiated in one of 5 ways.
- AB 1066
John A. Perez *Public health care: Medi-Cal demonstration project waivers*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law establishes the Medi-Cal Hospital/Uninsured Care Demonstration Project Act, which revises hospital supplemental payment methodologies under the Medi-Cal program in order to maximize the use of federal funds consistent with federal Medicaid law and to stabilize the distribution of funding for hospitals that provide care to Medi-Cal beneficiaries and uninsured patients. This demonstration project provides for funding, in supplementation of Medi-Cal reimbursement, to various hospitals, including designated public hospitals, nondesignated public hospitals, and private hospitals, as defined, in accordance with certain provisions relating to disproportionate share hospitals. Existing law requires the department to seek another demonstration project or federal waiver of Medicaid law to implement specified objectives, which may include better care coordination for seniors, persons with disabilities, and children with special health care needs. Existing law provides that to the extent the provisions under the Medi-Cal Hospital/Uninsured Care Demonstration Project Act do not conflict with the provisions of, or the Special Terms and Conditions of, this demonstration project, the provisions of the Medi-Cal Hospital/Uninsured Care Demonstration Project Act shall apply. Existing law establishes the following continuously appropriated funds to be expended by the department: (1) The Demonstration Disproportionate Share Hospital Fund, which consists of federal funds claimed and received by the department as federal financial participation with respect to certified public expenditures. (2) The Health Care Support Fund, which consists of safety net care pool funds claimed and received by the department under the demonstration projects. (3) The Private Hospital Supplemental Fund, the Nondesignated Public Hospital Supplemental Fund, and the

Distressed Hospital Fund, which consist of moneys from various sources, and are used as the source of the nonfederal share of payments to private hospitals, nondesignated hospitals, and distressed hospitals, respectively. (4) The Public Hospital Investment, Improvement, and Incentive Fund, which consists of moneys that a county, other political subdivision of the state, or other governmental entity in the state elects to transfer to the department for use as the nonfederal share of investment, improvement, and incentive payments to participating designated hospitals and the governmental entities with which they are affiliated. (5) The Medi-Cal Inpatient Payment Adjustment Fund, which consists of moneys transferred to the fund and used as the nonfederal share of payment adjustments made to hospitals under the Medi-Cal program. This bill would further distinguish which provisions of the Medi-Cal Hospital/Uninsured Care Demonstration Project Act apply to the successor demonstration project, as defined, and would make other conforming changes. By extending the term of some of the continuously appropriated funds, this bill would make an appropriation. By revising the purposes for which moneys in the Health Care Support Fund and moneys in the Public Hospital Investment, Improvement, and Incentive Fund shall be used, this bill would make an appropriation. By extending the period of time during which transfers are made to the continuously appropriated Medi-Cal Inpatient Payment Adjustment Fund, this bill would make an appropriation. Existing law provides for the Health Care Coverage Initiative, which is a federal waiver demonstration project established to expand health care coverage to low-income uninsured individuals who are not currently eligible for the Medi-Cal program, the Healthy Families Program, or the Access for Infants and Mothers program. Existing law also, to the extent that federal financial participation is available and federal financial participation is not jeopardized, requires the department, on or after November 1, 2010, but no later than March 1, 2011, or 180 days after federal approval of a successor demonstration project, as defined, to authorize local Coverage Expansion and Enrollment Demonstration (CEED) projects, as specified, to provide scheduled health care benefits for uninsured adults 19 to 64 years of age, inclusive, with incomes up to 133% of the federal poverty level who are not otherwise eligible for Medi-Cal or Medicare. Existing law also provides that, to the extent federal financial participation is made available under the Special Terms and Conditions of the demonstration project, CEED project services may be made available to individuals with incomes between 134% to 200%, inclusive, of the federal poverty level. This bill would rename a CEED project a Low Income Health Program (LIHP) and would instead provide that the department shall authorize local LIHPs no later than July 1, 2011. This bill would also provide that LIHP health care services may be provided to eligible individuals, as described, including those with incomes above 133% through 200% of the federal poverty level. This bill also would make technical, nonsubstantive changes to these provisions. This bill would declare that it is to take effect immediately as an urgency statute.

AB 1296 *Health Care Eligibility, Enrollment and Retention Act*
Bonilla Existing law provides for various programs to provide health care coverage to persons with limited financial resources, including the Medi-Cal program and the

Healthy Families Program. Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires each state to, by January 1, 2014, establish an American Health Benefit Exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers, as specified, and meets certain other requirements. Existing law, the California Patient Protection and Affordable Care Act, creates the California Health Benefit Exchange (Exchange), specifies the powers and duties of the board governing the Exchange relative to determining eligibility for enrollment in the Exchange and arranging for coverage under qualified health plans, and requires the board to facilitate the purchase of qualified health plans through the Exchange by qualified individuals and qualified small employers by January 1, 2014. This bill would enact the Health Care Reform Eligibility, Enrollment, and Retention Planning Act, which would require the California Health and Human Services Agency, in consultation with specified entities, to establish standardized single, accessible application forms and related renewal procedures for state health subsidy programs, as defined, in accordance with specified requirements. The bill would specify the duties of the agency and the State Department of Health Care Services under the act, and would require the agency to provide specified information to the Legislature by July 1, 2012, regarding policy changes needed to implement the bill. The application development requirements of the bill would otherwise be operative January 1, 2014, except as specified.

SB 36
Simitian

County health Initiative Matching Fund

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income recipients. Existing law also creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board (MRMIB), to arrange for the provision of health care services to children less than 19 years of age who meet certain eligibility requirements. Existing law, the County Health Initiative Matching Fund, establishes a fund that is administered by MRMIB in collaboration with the department to accept intergovernmental transfers to be used to increase the state's ability to use federal funds for programs to improve and expand access to health care. Under existing law, a county, a county agency, a local initiative, or a county organized health system that will provide an intergovernmental transfer may apply to MRMIB for funding to provide health care coverage to eligible children whose family income is at or below 300% of the federal poverty level or eligible adults whose family income does not exceed 200% of the federal poverty level. Existing law requires that persons receiving this coverage be ineligible for the Healthy Families Program and no share of cost Medi-Cal coverage. This bill would allow a county, a county agency, a local initiative, or a county organized health system that will provide an intergovernmental transfer to apply to MRMIB for funding to provide health care coverage to eligible children whose family income is at or below 400% of the federal poverty level, as specified, and would require persons receiving this coverage be ineligible for no share of cost Medi-Cal coverage and either ineligible for the Healthy Families Program or unable to enroll in the

program as a result of specified enrollment policies due to insufficient funds. The bill would specify that implementation of these provisions is conditioned on MRMIB obtaining necessary federal approval thereof.

SB 90
Steinberg

Health: hospitals: Medi-Cal

(1) Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law authorizes the Director of Health Care Services to limit the rates of payment for health care services provided under the Medi-Cal program. Existing law requires, subject to federal approval, the department to freeze rates applicable to inpatient hospital services, as specified, and authorizes the department to modify the rate freeze in order to comply with federal Medicaid requirements. This bill would provide that the rate freeze pursuant to these provisions shall become inoperative, and that any rate that was frozen pursuant to those provisions shall be restored retroactively to the rate that would have been in effect absent those provisions, on the effective date of this bill. (2) Existing law requires the department to seek a demonstration project or federal waiver of Medicaid law to implement specified objectives, which may include better care coordination for seniors, persons with disabilities, and children with special health care needs. Existing law provides that to the extent the provisions under the Medi-Cal Hospital/Uninsured Care Demonstration Project Act do not conflict with the provisions of, or the Special Terms and Conditions of, this demonstration project, the provisions of the Medi-Cal Hospital/Uninsured Care Demonstration Project Act shall apply. Existing law requires the department to reduce disproportionate share hospital replacement payments to private hospitals by 10%, as specified. This bill would provide that, in addition to the 10% reduction, disproportionate share hospital replacement payments to private hospitals shall be reduced in the 2010-11 fiscal year by an additional \$30 million in General Fund moneys and by the corresponding federal financial participation. To the extent permitted by federal law, the bill would provide that the additional room under the federal Upper Payment Limit created by this reduction shall be used to increase the above-described supplemental payments. This bill would also provide that, in addition to the 10% reduction, disproportionate share hospital replacement payments to private hospitals shall be reduced in the 2011-12 fiscal year by an additional \$75 million in General Fund moneys and by the corresponding federal financial participation. To the extent permitted by federal law, the bill would provide that the additional room under the federal Upper Payment Limit created by this reduction shall be used to increase supplemental payments under subsequent legislation extending or creating a new supplemental hospital payment program supported by a fee. (3) Existing law, until January 1, 2013, reduces interim payments by 10% for inpatient hospital services provided on and after July 1, 2008, at all hospitals that receive Medi-Cal reimbursement from the department and that are not under selective contracts with the department. This bill would, commencing on the effective date of this bill, provide that these provisions shall no longer be applicable to fee-for-service hospital rates but shall continue to be applicable as

specified. (4) Existing law, subject to federal approval, imposes a quality assurance fee, as specified, on certain general acute care hospitals through and including December 31, 2010. Existing law creates the Hospital Quality Assurance Revenue Fund in the State Treasury and requires that the money collected from the quality assurance fee be deposited into the fund. Existing law, subject to federal approval, requires the department to make supplemental payments for certain services, as specified, to private hospitals, nondesignated public hospitals, and designated public hospitals, as defined, for subject fiscal years, as defined. Existing law also requires the department to increase capitation payments to Medi-Cal managed care plans, increase payments to mental health plans, and make direct grants to designated public hospitals, as specified. Existing law provides that the moneys in the Hospital Quality Assurance Revenue Fund shall, upon appropriation by the Legislature, be available only for certain purposes, including providing the supplemental payments to hospitals, direct grants to designated public hospitals, increased capitation payments to Medi-Cal managed care plans, and increased payments to mental health plans. Existing law also establishes the continuously appropriated Distressed Hospital Fund, which consists of moneys transferred to the fund or appropriated by the Legislature and used as the nonfederal share of payments to distressed hospitals, as defined. This bill would, subject to federal approval, commencing January 1, 2011, through and including June 30, 2011, impose a quality assurance fee, as specified, on certain general acute care hospitals. This bill would require that the moneys collected from the quality assurance fee be deposited into the Hospital Quality Assurance Revenue Fund. The bill would, subject to federal approval, provide that the moneys in the Hospital Quality Assurance Revenue Fund shall, upon appropriation by the Legislature, be available only for certain purposes, including providing supplemental payments for certain services to private hospitals, increased capitation payments to Medi-Cal managed care plans, and increased payments to mental health plans. The bill would provide that if quality assurance fee payments are remitted to the department after the date determined by the department to be the final date for calculating the final supplemental payments, the fee payments shall be retained in the fund for purposes of funding supplemental payments supported by a hospital quality assurance fee program under subsequent legislation, but provides that if supplemental payments are not implemented under subsequent legislation, then those quality assurance fee payments shall be deposited into the Distressed Hospital Fund. The bill would also provide that if amounts of the quality assurance fees are collected in excess of the funds required to make the payments above and federal rules prohibit the department from refunding the fee payments to the general acute care hospitals, the excess funds shall be deposited into the Distressed Hospital Fund. By increasing the amount of money that may be deposited into the Distressed Hospital Fund, this bill would make an appropriation. The bill would also require that the department design and implement, in consultation with the designated and nondesignated public hospitals, an intergovernmental transfer program relating to Medi-Cal managed care services provided by designated and nondesignated public hospitals in order to increase capitation payments for the purpose of increasing their reimbursement. (5) Existing law requires, after January 1, 2008, that 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, unless granted an extension as prescribed. This bill would authorize the Office of Statewide Health Planning and Development to grant a hospital an additional extension of up to 7 years for a hospital building that it owns or operates if the hospital meets specified milestones. This bill would require a hospital that applies for this extension to pay the office an additional fee, to be determined by the office, sufficient to cover the additional reasonable costs incurred by the office for maintaining the additional reporting requirements established by these provisions. This bill would provide that this provision shall become operative on the date the department receives all necessary federal approvals for a 2011-12 fiscal year hospital quality assurance fee program that includes \$320 million in fee revenue to pay for health care coverage for children, as specified. (6) This bill would become operative only if AB 113 of the 2011-12 Regular Session of the Legislature is enacted. (7) This bill would declare that it is to take effect immediately as an urgency statute.

SB 866 *Health care coverage: prescription drugs*

Hernandez 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 willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Commonly referred to as utilization review, existing law governs the procedures that apply to every health care service plan and health insurer that prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based on medical necessity, requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees or insureds, as specified. Existing law also imposes various requirements and restrictions on health care service plans and health insurers, including, among other things, a prohibition on health care service plans and health insurers that provide prescription drug benefits from excluding or limiting coverage for a drug on the basis that the drug is prescribed for a use that is different from the use for which the drug has been approved for marketing by the federal Food and Drug Administration. Existing law also requires a health care service plan that provides prescription drug benefits to maintain an expeditious process by which prescribing providers, as described, may obtain authorization for a medically necessary nonformulary prescription drug, according to certain procedures. This bill would require the Department of Managed Health Care and the Department of Insurance to, on or before July 1, 2012, develop a prior authorization form for use by every health care service plan and health insurer that provides prescription drug benefits, except as specified. On and after January 1, 2013, or 6 months after the form is developed, whichever is later, the bill would require every prescribing provider, as defined, when requesting prior authorization for prescription drug benefits, to submit the prior authorization form to the health care service plan or health insurer, and would require those plans and insurers to utilize and accept those prior authorization forms for prescription drug benefits. Except as

specified, upon a failure by the plan or insurer to accept the prior authorization form or to respond to a prescribing provider within 2 business days, the bill would deem the prior authorization request as granted.

Behavioral Health Care Services

AB 989 *Mental health: children's services*
Mitchell Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs. The act provides that it may be amended by the Legislature by a 2/3 vote of each house as long as the amendment is consistent with and furthers the intent of the act, and that the Legislature may also clarify procedures and terms of the act by majority vote. Existing law requires each county mental health program to prepare and submit a 3-year plan that includes information on specified programs, including, but not limited to, programs for services to children and adults, and requires these programs to provide services to address the needs of transition age youth 16 to 25 years of age. This bill would require county mental health programs, in providing for services for transition age youth, to consider the needs of transition age foster youth. This bill would declare that it clarifies procedures and terms of the act.

AB 1297 *Medi-Cal mental health*
Chesbro Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons are provided with health care services, including mental health services. The Medi-Cal program is partially governed and funded under federal Medicaid provisions. Under existing law, the State Department of Mental Health (department) is required to provide specialty mental health services for Medi-Cal recipients through fee-for-service or capitated contracts with mental health plans (MHPs). The department establishes standards, guidelines, and reimbursement amounts for specialty mental health services based on the federal Medicaid requirements. Existing law requires counties to certify that required matching funds are available prior to the reimbursement of federal funds. This bill, commencing July 1, 2012, would require the standards, guidelines, and reimbursement amounts to be consistent with federal Medicaid requirements, as specified in the approved Medicaid state plan and waivers. The bill would also require counties to certify that certified public expenditures have been incurred prior to reimbursement of federal funds. The bill would, if the reimbursement methodology utilizes federal upper payment limits and the total cost of services exceeds the state maximum rates in effect for the 2011-12 fiscal year, require a county that chooses to claim costs that exceed the state maximum rates with certified public expenditures, to use only local funds, and not state funds, to claim the portion of the costs over the state maximum rates and to enter into and maintain a contract with the department so specifying. Existing law establishes procedures, including reimbursement and claiming

procedures, reviews and oversight, and appeal processes for MHPs and MHP subcontractors. The bill, commencing July 1, 2012, also would require claims for reimbursement for service to be submitted by MHPs within the timeframes required by federal Medicaid requirements and the approved Medicaid state plan and waivers. Existing law requires the State Department of Health Care Services and the State Department of Mental Health to jointly develop a new rate setting methodology for reimbursements for direct client services that meets specified requirements, including that administrative costs be claimed separately and limited to 15% of the total cost of direct client services. This bill, commencing July 1, 2012, would instead require the development of a reimbursement methodology, in consultation with the California Mental Health Directors Association, that is consistent with federal Medicaid requirements and the approved Medicaid state plan and waivers.

SB 946 *Health care coverage: mental illness: pervasive developmental disorder or autism:*
Steinberg *public health*

Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide benefits for specified conditions, including certain mental health conditions. This bill, effective July 1, 2012, would require those health care service plan contracts and health insurance policies, except as specified, to provide coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism. The bill would provide, however, that no benefits are required to be provided that exceed the essential health benefits that will be required under specified federal law. Because a violation of these provisions with respect to health care service plans would be a crime, the bill would impose a state-mandated local program. These provisions would be inoperative July 1, 2014, and repealed on January 1, 2015. The bill would require the Department of Managed Health Care, in conjunction with the Department of Insurance, to convene an Autism Advisory Task Force by February 1, 2012, to provide assistance to the department on topics related to behavioral health treatment and to develop recommendations relating to the education, training, and experience requirements to secure licensure from the state. The bill would require the department to submit a report of the Task Force to the Governor and specified members of the Legislature by December 31, 2012. Existing law establishes various communicable disease prevention and control programs. Existing law requires the State Department of Public Health to establish a list of reportable diseases and conditions and requires health care providers and laboratories to report cases of HIV infection to the local health officer using patient names and sets guidelines regarding these reports. Existing law requires the local health officers to report unduplicated HIV cases by name to the department. This bill would authorize the department to revise the HIV reporting form without the adoption of a regulation, as specified. Under the Bronzan-McCorquodale Act,

the State Department of Mental Health administers the provision of funds to counties for community mental health services programs. Existing law also permits counties to receive, under certain circumstances, Medi-Cal reimbursement for mental health services. Under existing law, negotiated net amounts or rates are used as the cost of services in contracts between the state and the county and between the county and a subprovider of services. Existing law establishes the method for computing negotiated rates. Existing law prohibits the charges for the care and treatment of each patient receiving service from a county mental health program from exceeding the actual or negotiated cost of the services. This bill would only allow the use of negotiated net amounts as the cost of services in a contract between the state and a county and the county and a subprovider of services, and would eliminate the use of negotiated rates. The bill would also specify that the charges for the care and treatment of each patient receiving a service from a county mental health program shall not exceed the actual cost of the service. Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Under existing law, the State Department of Health Care Services promulgates regulations for determining reimbursement of Short-Doyle mental health services allowable under the Medi-Cal program. Existing law requires the State Department of Mental Health and the State Department of Health Care Services to jointly develop a ratesetting methodology for use in the Short-Doyle Medi-Cal system that maximizes federal funding and utilizes, as much as practicable, federal Medicare reimbursement principles. Existing law requires that this ratesetting methodology contain incentives relating to economy and efficiency. The bill would delete the requirement that the ratesetting methodology in the Short-Doyle Medi-Cal system include incentives relating to economy and efficiency.

SB 1134

Persons of unsound mind: psychotherapist duty to protect

Yee

Existing law provides that no monetary liability and no cause of action arises against a psychotherapist, as defined, for failing to warn and protect from a patient's threatened violent behavior except if the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. Existing law also specifies that no monetary liability and no cause of action shall arise against a psychotherapist who, under those circumstances, discharges his or her duty to warn and protect by making reasonable efforts to communicate the threat to the victim or victims and to a law enforcement agency. This bill would revise these provisions by removing any duty to warn. The bill would also express the intent of the Legislature that this bill changes only the name of the duty described above from a duty to warn and protect to a duty to protect.

Environmental Health Services

- AB 255 *Hazardous waste: latex paint: collection facility*
Wieckowski Existing law generally prohibits any person from disposing of latex paint, unless authorized, but allows recyclable latex paint to be accepted at any location if specified requirements are met concerning the management of that paint. Existing law authorizes the Department of Toxic Substances Control to allow a household hazardous waste collection facility to accept hazardous waste from a conditionally exempt small quantity generator (CESQG) under specified conditions. A violation of the requirements concerning hazardous waste is a crime. This bill would allow a permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a CESQG to accept recyclable latex paint from any generator, notwithstanding specified provisions and regulations, if the permanent household hazardous waste collection facility complies with certain requirements. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.
- AB 291 *Underground storage tanks: petroleum: charges*
Wieckowski Under the existing Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, which is repealed on January 1, 2016, every owner of an underground storage tank is required to pay a storage fee for each gallon of petroleum placed in the tank. The fees are required to be deposited in the Underground Storage Tank Cleanup Fund and the board is authorized to expend the moneys in the fund, upon appropriation by the Legislature, for various purposes, including the payment of claims to aid owners and operators of petroleum underground storage tanks who take corrective action to clean up unauthorized releases from those tanks, corrective actions undertaken by the board, a California regional water quality control board, or a local agency, the cleanup and oversight of unauthorized releases at abandoned tank sites, and grants to small businesses to retrofit certain hazardous substance underground storage tanks. Existing law provides for an increase in the fee at a rate of \$0.006 per gallon of petroleum between January 1, 2010, and December 31, 2011, and terminates that increase on January 1, 2012. This bill would continue the requirement to pay that increased amount of \$0.006 per gallon until January 1, 2014. By operation of existing law, the revenue resulting from the increased fee would be required to be deposited in the fund and be available, upon appropriation, for expenditure for the purposes authorized under existing law for money in the fund. This bill would constitute a change in state statute that would result in a taxpayer paying a higher tax 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. The bill would only become operative if AB 358 is enacted and becomes effective on or before January 1, 2012.
- AB 300 *Safe Body Art Act*
Ma Under existing law, every person engaged in the business of tattooing, body piercing, or permanent cosmetics is required to register with the county in which that business is conducted, obtain a copy of the county's sterilization,

sanitation, and safety standards, as established by the California Conference of Local Health Officers and distributed by the State Department of Public Health, as specified, and pay a one-time registration fee of \$25. Existing law allows the county to charge an additional fee, if necessary to cover the cost of registration and inspection, and allows a county to adopt regulations that do not conflict with, or are more comprehensive than, standards adopted by the department. Under existing law, a person who fails to register or who violates the sterilization, sanitation, and safety standards is liable for a civil penalty of up to \$500, to be collected in an action brought by the prosecuting attorney of the county or city and county in which the violation occurred. This bill would, as of July 1, 2012, repeal these provisions and, instead, enact the Safe Body Art Act. The act would prohibit a person from performing body art, as defined, without registering annually with the local enforcement agency. The bill would require practitioners to comply with specified requirements, including, among other things, client information and questionnaires, vaccination, bloodborne pathogen training, and sanitation. The bill would also require the owner of a body art facility, as defined, to obtain and annually renew a health permit from the local enforcement agency, as specified, and to maintain the body art facility in a specified manner. This bill would exempt from the definition of body art the piercing of an ear with a disposable, single-use, presterilized stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear, but would impose specified requirements on that practice. The bill would authorize a local enforcement agency to require facilities performing ear piercing in that jurisdiction to submit a notification form, as provided, with the local enforcement agency. The bill would authorize the local enforcement agency to charge a one-time facility notification fee in an amount between \$25 and \$45, but not in excess of the amount required to cover the actual costs of administering and enforcing the program. The bill would authorize a county, after December 31, 2015, to charge a different fee, established by local ordinance, so long as an increased fee amount is necessary to cover the actual costs of administering and enforcing the provisions. This bill would regulate the performance of body art in vehicles, temporary booths, and at body art events. The bill would require a person sponsoring a body art event to obtain a permit and fulfill specified requirements and would authorize a local enforcement agency to establish reasonable regulatory fees, including, but not limited to, a fee for body art events in an amount not to exceed, but sufficient to cover, the costs of enforcement. The bill would authorize specified inspection by an enforcement officer, and would provide for the suspension or revocation of a certificate of registration or a health permit in specified circumstances. The bill would make performing body art without being registered, operation of a body art facility without a health permit, or operation of a temporary body art event without a permit a misdemeanor and would authorize the local enforcement agency to assess an administrative penalty, in an amount not less than \$25 and not more than \$1,000, for violating a provision of the bill. The bill would also authorize the local enforcement agency, in addition to these penalties, to impose a penalty of up to three times the cost of the registration or

permit on a practitioner, owner of a body art facility, or sponsor of a temporary body art event who fails to obtain needed permits. This bill would authorize a city, county, or city and county to adopt regulations or ordinances that do not conflict with, or are more stringent than, the provisions of the bill as those provisions relate to body art.

AB 341
Chesbro

Solid waste: diversion

(1) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components, including a source reduction component, a recycling component, and a composting component. With certain exceptions, the source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities. The department is required to file an annual progress report with the Legislature by March 1 that includes specified information regarding the act. This bill would make a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and would require the department, by January 1, 2014, to provide a report to the Legislature that provides strategies to achieve that policy goal and also includes other specified information and recommendations. The bill would allow the department to provide the report required by the bill in conjunction with the annual progress report, if the combined report is submitted by January 1, 2014. The bill would repeal the report requirement on January 1, 2017. (2) Existing law requires a city, county, and city and county to incorporate the nondisposal facility element and any amendment to the element into the revised source reduction and recycling element at the time of the 5-year revision of the source reduction and recycling element. Existing law requires the department to review an amendment to a nondisposal facility element and requires a local task force to review and comment on amendments to a nondisposal facility element. This bill would repeal those requirements. The bill would instead require a city, county, city and county, or regional agency to update all information required to be included in the nondisposal facility element. The bill would provide that the update is not subject to approval by the department or comment and review by a local task force. (3) Existing law requires a local agency to impose certain requirements on an operator of a large venue or event to facilitate solid waste reduction, reuse, and recycling. This bill would require a business, defined to include a commercial or public entity that generates more than 4 cubic yards of commercial solid waste per week or is a multifamily residential dwelling of 5 units or more to arrange for recycling services, on and after July 1, 2012. The bill would also require a commercial waste generator to take specified actions with regard to recyclable materials. The bill would require a jurisdiction, on and after July 1, 2012, to implement a commercial solid waste recycling

program meeting specified elements but would not require the jurisdiction to revise its source reduction and recycling element if the jurisdiction adds or expands a commercial solid waste recycling program to meet this requirement. The bill would authorize a local agency to charge and collect a fee from a commercial waste generator to recover the local agency's costs incurred in complying with the commercial solid waste recycling program requirements. By requiring a jurisdiction to implement a commercial solid waste recycling program, this bill would impose a state-mandated local program. The bill would require the department to review a jurisdiction's compliance with the above requirement as a part of the department's review of a jurisdiction's compliance with the 50% solid waste diversion requirement and would authorize the department to review a jurisdiction's compliance pursuant to a specified procedure. (4) Existing law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on September 1 of each year starting in 2009. This bill would change the due date to May 1 of each year. (5) Existing law requires an operator of a solid waste facility that wants to change the design or operation of the solid waste facility in a manner not authorized by the current permit to apply for a revised permit. Within 60 days of receipt of the application for the revised permit, the enforcement agency is required to inform the operator, and in some circumstances the department, of its determination to allow the change without revision of the permit, disallow the change, require a revision of the permit to allow the change, or require review under the California Environmental Quality Act before a decision is made. This bill would also require the enforcement agency to give notice of its determination to allow certain changes without a revision to the permit through a modification to the permit allowed by regulations developed by the department.

AB 358
Smyth

Hazardous substances: underground storage tanks: releases: reports

(1) Existing law generally regulates the storage of hazardous substances in underground storage tanks, including requiring underground storage tanks that are used to store hazardous substances to meet certain requirements. Existing law requires tank owners and operators to report unauthorized releases to local agencies, which includes specified information, and requires the State Water Resources Control Board to continuously post and update on its Internet Web site reports of information concerning unauthorized releases. This bill would instead require the owner or operator to transmit certain information regarding an unauthorized release to the local agency on a written form or using an electronic format developed by the board and approved by the Secretary for Environmental Protection. The bill would require additional information to be provided to the local agency. The bill would also instead require each regional board and local agency to submit a report to the board for all unauthorized releases using the board's Internet-accessible database, thereby imposing a state-mandated local program by imposing new duties upon local agencies. The bill would require the board to annually post and update on its Internet Web site the information in those reports concerning

unauthorized releases. The bill would authorize the board to adopt regulations to specify reporting requirements to implement these provisions, including electronic submission requirements for these reports. The bill would require the regulations to be adopted as emergency regulations and would exempt the adoption of these regulations from certain requirements regarding review by the Office of Administrative Law. (2) Existing law requires a uniform closure letter to be issued to the owner, operator, or other responsible party taking corrective action at an underground storage tank site by the local agency or the regional board with jurisdiction over the site, or the State Water Resources Control Board, upon a finding that the underground storage tank site is in compliance with specified requirements and with any corrective action regulations adopted by the board and that no further corrective action is required at the site. This bill would require that closure letters issued pursuant to the above-described provisions on or after January 1, 2012, include language notifying the owner, operator, or other responsible party of the filing deadline for claims for reimbursement of corrective action costs that are received by the board more than 365 days after the date of issuance of a closure letter or after the issuance or activation of a letter of commitment, whichever occurs later. (3) Existing law authorizes the State Water Resources Control Board to close a tank case if that tank case is under the jurisdiction of a regional board or a local agency implementing a local oversight program and the board determines that the corrective action at the site complies with specified requirements. Existing law allows the board to recommend that a local agency close that tank case if the tank case is at a site of a local agency that is not implementing the local oversight program. Existing law also authorizes the manager of the Underground Storage Tank Cleanup Fund, with the approval of the tank owner or operator, to make a recommendation to the board for closure of any tank case. This bill would instead authorize the board to require closure of any underground storage tank case where an unauthorized release has occurred and the board makes that determination. The bill would delete the board's authority to recommend closure to a local agency that is not implementing the local oversight program. The board would be required, before closing or requiring closure of an underground storage tank case, to provide an opportunity for reviewing and providing responses to the petition or the manager's recommendation to the applicable regional board, local agency, specified water district, or special act district with groundwater management authority. This bill would, upon the manager of the fund recommending case closure, to limit reimbursement of subsequently incurred corrective action costs to \$10,000 per year, except as specified. (4) Existing law allows a person required to perform corrective action pursuant to a specified provision to apply to the State Water Resources Control Board for payment of a claim for specified portions of the costs of the corrective action and third-party damages. This bill would additionally authorize a person required to perform corrective action under certain federal laws to apply to the board for payment of a claim. The bill would also require that claims for reimbursement of corrective action costs that are received by the board more than 365 days after the date of issuance of

a closure letter or after the issuance or activation of a letter of commitment, whichever occurs later, not be reimbursed unless one of 2 specified conditions apply. The bill would require the board, for cases that have been issued a closure letter prior to January 1, 2012, to notify claimants of the 365-day filing deadline on or before March 31, 2012, or upon issuance of a letter of commitment, whichever occurs later. (5) The bill would declare that it is to take effect immediately as an urgency statute, but the changes made by the bill would only become operative if, and on the date that, AB 291 is chaptered

AB 359
Huffman

Groundwater management plans

(1) Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency that elects to develop a groundwater management plan to hold a hearing prior to adopting a resolution of intention to draft a plan and, after the plan is prepared, to hold a 2nd hearing to determine whether to adopt the plan. Existing law requires the local agency to publish a specified notice before each of these hearings. Existing law requires a local agency to prepare a groundwater management plan within 2 years of the date of the adoption of the resolution of intention. This bill would require the local agency to provide a copy of a resolution of intention to the Department of Water Resources within 30 days of the date of adoption. The bill would authorize any person to request to be placed on a list established by the local agency for purposes of receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents. The bill would require the local agency to provide each of those interested persons and the department with a specified notice prior to the 2nd hearing to determine whether to adopt the plan. The bill would require, if a groundwater management plan is not adopted within 2 years of the date of the adoption of a resolution of intention and the local agency is operating under a previously adopted groundwater management plan, that the previously adopted plan remain in effect. The bill would require the department to post on its Internet Web site the information the department possesses regarding the local agencies that have jurisdiction to develop groundwater management plans and information regarding groundwater management plans provided by local agencies and specified groundwater monitoring entities. (2) Existing law requires a local agency seeking specified state funds for certain groundwater projects to include in a groundwater management plan various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin. This bill would specify that the groundwater projects to which these requirements apply include projects that are part of an integrated regional water management program or plan. The bill, commencing January 1, 2013, would additionally require a map identifying the recharge areas, as defined, for the groundwater basin to be included in a groundwater management plan for purposes of the state funding requirements. The bill would require the local agency to provide the map of the recharge areas to local planning agencies and notify the department and other interested persons

when a map is submitted to those local planning agencies.

AB 408 *Environment: hazardous substances and materials: hazardous waste transportation:*
Wieckowski *paint recycling*

(1) Existing law provides that the expense of a public agency's emergency response to the release, escape, or burning of hazardous substances is a charge against the person whose negligence caused the incident if the incident necessitated an evacuation beyond the property of origin or results in the spread of hazardous substances or fire beyond the property of origin. Existing law defines "hazardous substance" for purposes of these provisions. This bill would instead provide that these expenses are a charge against the person whose negligence caused the incident if the incident necessitated an evacuation from the building, structure, property, or public right-of-way where the incident originates, or the incident results in the spread of hazardous substances or fire beyond the building, structure, property, or public right-of-way where the incident originates. The bill would also revise the definition of "hazardous substance" for purposes of these provisions. (2) Existing law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest and establishes a procedure for a consolidated manifest to be used by generators and transporters for certain types of hazardous waste. A generator using the consolidated manifesting procedure is required to meet specified requirements, including having an identification number. A violation of the hazardous waste control laws is a crime. This bill would allow the consolidating manifesting procedure to be used for the receipt, by a transporter, of one shipment of used oil from a generator whose identification number has been suspended, if certain requirements are met. The bill would provide that this exemption would become inoperative on and after January 1, 2014. Since a violation of these requirements would be a crime, the bill would impose a state-mandated local program. (3) Existing law defines the term recyclable latex paint and prohibits any person from disposing of latex paint in a specified manner. Existing law allows recyclable latex paint to be accepted at a location if specified requirements are met concerning the management of that paint and exempts a person transporting recyclable latex paint from the manifest and hazardous waste transportation requirements. Existing law also exempts a person recycling recyclable latex paint from hazardous waste facilities permitting requirements. This bill would revise those provisions to allow a location that accepts recyclable latex paint to also accept oil-based paint, as defined, under specified circumstances with regard to the establishment and operation of the location under the architectural paint recovery program administered by the Department of Resources Recycling and Recovery (CalRecycle). The bill would additionally prohibit the disposal of oil-based paint in that specified manner and would impose additional requirements upon the collection of recyclable latex paint. The bill would require a person to recycle, treat, store, or dispose of oil-based paint only at a facility that is authorized by the department pursuant

to the applicable hazardous waste facilities permit requirements or at an out-of-state facility authorized by the state where the facility is located. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program by creating new crimes. (4) Existing law requires a business that handles a hazardous material to adopt a business plan for response to the release of hazardous materials, and to annually submit an inventory to the local administering agency if the business handles a specified amount of hazardous materials at any one time during the reporting year. This bill would additionally require a business to adopt the plan or inventory for specified lesser or greater amounts of various classes of hazardous materials if the hazardous materials meet certain requirements. The bill would add exemptions for certain oil-filled electrical equipment and mineral oil contained within certain electrical equipment. The bill also would revise the exemption for the on-premise use or storage of propane. The administering agency would be required to make findings regarding the regulation of certain of these hazardous materials in consultation with the local fire chief. The bill would impose a state-mandated local program by imposing new duties upon administering agencies with regard to business plans. (5) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. A city or local agency that meets specified requirements is authorized to apply to the secretary to implement the unified program, and every county is required to apply to the secretary to be certified to implement the unified program. This bill would additionally include, in the unified program, persons operating a collection location that has been established under an architectural paint stewardship plan approved by CalRecycle as part of the architectural paint recovery program, thereby imposing a state-mandated local program by imposing new duties upon local agencies. (6) The bill would make conforming changes regarding the California Fire Code to provisions regarding the unified hazardous waste and hazardous materials management regulatory program and the business plan requirements. (7) The California Integrated Waste Management Act of 1989, administered by CalRecycle, establishes an architectural paint recovery program that requires a manufacturer or designated stewardship organization to submit an architectural paint stewardship plan to CalRecycle and to implement the plan, as specified. A manufacturer is required to submit a report to CalRecycle by July 1, 2013, and each year thereafter, describing its paint recovery efforts. This bill would revise the definition of the term "architectural paint" for purposes of the program and would require the annual report to be submitted on or before September 1. The bill would make other technical revisions to the program. (8) This bill would incorporate additional changes in Section 25217.2 of the Health and Safety Code, proposed in AB 255, that would become operative only if AB 255 and this bill are both chaptered and become effective on or before January 1, 2012, and this bill is chaptered last, in which case Section 25217.2 of the Health and Safety Code, as amended by this bill, would remain operative only until the operative date of AB 255, at which time the changes proposed by both bills

would become operative. (9) This bill would incorporate additional changes in Section 25404 of the Health and Safety Code, proposed in SB 456, that would become operative only if SB 456 and this bill are both chaptered and become effective on or before January 1, 2012, and this bill is chaptered last, in which case Section 25404 of the Health and Safety Code, as amended by this bill, would remain operative only until the operative date of SB 456, at which time the changes proposed by both bills would become operative. (10) The bill would declare that it is to take effect immediately as an urgency statute.

AB 525
Gordon

Solid waste: tire recycling: architectural paint recovery program

(1) The California Tire Recycling Act imposes a California tire fee on a new tire purchased in the state. The revenue generated from the fee is deposited in the California Tire Recycling Management Fund for expenditure, upon appropriation by the Legislature, for the purposes of programs related to waste tires, including grants to local entities involved in activities that result in reduced landfill disposal of used whole tires. The act requires the Department of Resources Recycling and Recovery to adopt a 5-year plan, which is to be updated biennially, to establish goals and priorities for waste tire programs. This bill would require the department to provide outreach to local agencies regarding a program it may establish under existing law to award grants to cities, counties, and other local government agencies for the funding of public works projects that use waste tires. The bill would make the public works waste tire grant program inoperative on June 30, 2015, and would repeal the provision authorizing this program on January 1, 2016. The bill would also make conforming changes with regard to the department's 5-year plan. (2) Existing law creates an architectural paint recovery program that is enforced by the Department of Resources Recycling and Recovery. On or before April 1, 2012, a manufacturer or designated stewardship organization is required to submit to the department an architectural paint stewardship plan to develop and implement a recovery program to reduce the generation of postconsumer paint, promote the reuse of postconsumer architectural paint, and manage them end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal. The plan is required to contain specified elements of an architectural paint stewardship program, including, but not limited to, an architectural paint stewardship assessment, approved by the department, on each container of architectural paint sold in this state. Existing law prohibits a manufacturer or retailer from selling or offering for sale architectural paint to any person in this state, unless the manufacturer is listed on the department's Internet Web site as being in compliance with the program. Existing law authorizes the department to administratively impose civil penalties for violations of the act. Existing law requires a stewardship organization to pay the department annual administrative fees in the amount that is sufficient to cover the department's full costs of administering and enforcing the program. This bill would establish the Architectural Paint Stewardship Account in the Integrated Waste Management Fund, would require the fees to be deposited in this account, and

would require the department to expend those fees, upon appropriation by the Legislature, to cover the department's costs to implement the program. The bill would also establish the Architectural Paint Stewardship Penalty Subaccount in the Integrated Waste Management Fund, would require the penalties collected to be deposited in that subaccount, and would authorize the department to expend those funds, upon appropriation by the Legislature, to cover the department's costs to implement the program.

AB 681 *Aboveground storage tanks: funds*

Wieckowski Existing law makes the Environmental Protection Trust Fund and the training account in that fund inoperative as of July 1, 2011, and repeals the fund and account as of January 1, 2012. Until July 1, 2011, existing law authorizes the expenditure of a portion of the moneys in the Environmental Protection Trust Fund, upon appropriation by the Legislature, for purposes of a training account established and maintained by the Secretary for Environmental Protection and allocates all remaining funds to the unified program agencies for expenditure to implement the Aboveground Petroleum Storage Act. This bill would make the fund and account operative until July 1, 2013, and would repeal the fund and the account on January 1, 2014.

AB 688 *Food and drugs: sale*

Pan The Sherman Food, Drug, and Cosmetic Law contains various provisions regarding the contents, packaging, labeling, and advertising of food, drugs, and cosmetics. The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing the California Retail Food Code. A violation of any of these provisions is punishable as a misdemeanor. This bill would prohibit a retailer from selling or offering for sale after the expiration date an over-the-counter drug, as defined. The bill would also prohibit a retail food facility from selling or offering for sale after the "use by" date infant formula or baby food that is required to have this date on its packaging pursuant to federal law. This bill would make a violation of its provisions an infraction, punishable by a fine of not more than \$10 per day, calculated as prescribed. This bill would also authorize the department or an enforcement agency, as specified, to assess administrative penalties on a retailer who violates these provisions in the amount of \$10 per day for each item sold or offered for sale in violation of these provisions, in addition to other penalties authorized by law.

AB 913 *Hazardous waste: source reduction: certified green business program*

Feuer The existing Hazardous Waste Source Reduction and Management Review Act of 1989 requires the Department of Toxic Substances Control to establish a program for hazardous waste source reduction, including requiring specified generators of hazardous waste to maintain certain plans and reports with regard to hazardous waste reduction practices. The department is required to provide source reduction training and resources to various regional and local

government assistance programs to identify and apply source reduction methods. This bill would require the department, as part of implementing this program, to develop a California Green Business Program that provides support and assistance to local government programs that provide for the voluntary certification of small businesses that adopt environmentally preferable business practices, including, but not limited to, increased energy efficiency, reduced greenhouse gas emissions, promotion of water conservation, and reduced waste generation. The department would be required to take specified actions with regard to implementing the California Green Business Program and would be authorized to provide support and assistance to a local government program to enable the program to meet certain requirements.

AB 938

Public water systems

V. Manuel
Perez

(1) Existing law, the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies. Existing law establishes the Safe Drinking Water State Revolving Fund that is continuously appropriated to the department for the provision of grants and revolving fund loans to provide for the design and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards. Under existing law, the funding for grants for planning, engineering studies, environmental documentation, and design of a single project is set at a maximum of \$500,000. Existing law requires total funding for planning, engineering studies, project design, and construction costs of a single project, whether in the form of a grant, a loan, or both, to be determined by an assessment of affordability using criteria established by the department. This bill would add environmental documentation to the costs of a single project that the department is required to determine by an assessment of affordability.

(2) Existing law requires that various notices be made by a public water system and others regarding compliance with safe drinking water requirements. This bill would require, commencing July 1, 2012, that written public notice given by a public water system pursuant to these provisions be in English, Spanish, and in the language spoken by prescribed numbers of residents of the community served, and that the notice contain prescribed public water system contact information. The bill would establish specified presumptions of compliance if the public water system takes prescribed actions relating to the notice. The bill would also authorize and encourage nonwritten notice to be provided through foreign language media outlets. The bill would specify that the department is not required to review or approve notices in any language other than English.

- AB 983
Perea *Safe Drinking Water State Revolving Fund*
Existing law, the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting and enforcing regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies. Existing law establishes the Safe Drinking Water State Revolving Fund, which is continuously appropriated to the department for the provision of grants and revolving fund loans to provide for the design and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards. Existing law requires the department to establish criteria for projects to be eligible for the grant and loan program. This bill would authorize the department to take specified actions to improve access to financial assistance for small community water systems and not-for-profit nontransient noncommunity water systems serving severely disadvantaged communities, as defined. Under existing law, not less than 15% of the fund is required to be expended for providing loans and grants to eligible projects by public water systems that regularly serve fewer than 10,000 persons. This bill would require small community water systems or nontransient noncommunity water systems, owned by a public agency or private not-for-profit water company, serving severely disadvantaged communities to be eligible to receive up to 100% of eligible project costs in the form of a grant, to the extent the system cannot afford a loan. By authorizing additional uses for moneys in a continuously appropriated fund, this bill would make an appropriation. This bill would incorporate additional changes in Section 116761.23 of the Health and Safety Code proposed by AB 938, which would become operative only if AB 938 and this bill are both chaptered and become effective on or before January 1, 2012, and this bill is chaptered to last.
- AB 1014
Fletcher *Food facilities: definition*
The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, including mobile food facilities and satellite food service, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing this code. A violation of these provisions is punishable as a misdemeanor. The code exempts from its provisions premises set aside for wine tasting, if specified conditions are met. This bill would additionally exempt from its provisions, if specified conditions are met, premises set aside for beer tasting by a beer manufacturer, as defined to include any holder of a beer manufacturer's license, any holder of an out-of-state beer manufacturer's certificate, or any holder of a beer and wine importer's general license.
- SB 303
Padilla *Food safety: food handlers*
The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health. Local health agencies are primarily responsible for enforcing this law.

Violation of these provisions is a misdemeanor. This law generally requires food facilities, except temporary food facilities, to have an owner or employee who has successfully passed an approved and accredited food safety certification examination from an accredited food protection manager certification organization, except as specified. Existing law generally defines a food facility to mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level. Existing law also requires, with specified exceptions, a food handler, as defined, who is hired prior to June 1, 2011, to obtain a food handler card from a food protection manager certification organization, as described. A food handler hired after June 1, 2011, is required to obtain a food handler card within 30 days of his or her date of hire. A food handler must maintain a valid food handler card for the duration of his or her employment as a food handler. This bill would, for purposes of the above-described food handler requirements, define a food facility to mean a food facility that sells food for human consumption to the general public, with certain exceptions. The bill would, instead, until January 1, 2012, require a food handler to obtain a food handler card from either a food protection manager certification organization or a specified training provider, and would require, commencing January 1, 2012, the card to be obtained only from a specified training provider.

SB 456
Huff

Household hazardous waste: transportation

(1) Existing law, part of the hazardous waste control laws, authorizes a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service, as defined, to transport hazardous waste from individual residences to an authorized household hazardous waste collection facility. Existing law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest and exempts a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service from having to complete a manifest if it is transporting household hazardous waste collected from individual residences for transportation to an authorized collection facility. A violation of the hazardous waste control laws is a crime. This bill would allow a registered hazardous waste transporter operating a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service to instead use a specified manifesting procedure for transporting household hazardous waste, if the transporter complies with certain operating and reporting requirements. The bill would require a public agency to retain a copy of the manifest in a specified manner, thereby imposing a state-mandated local program by imposing new duties upon local agencies. The bill would make these requirements inoperative on January 1, 2020. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program. The bill would revise the definition of a household hazardous waste collection facility and a door-to-door household hazardous waste collection program, for

purposes of the provisions regulating the household hazardous waste program, and would specify the conditions under which such a program is deemed to be a household hazardous waste collection facility. (2) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. A city or local agency that meets specified requirements is authorized to apply to the secretary to implement the unified program, and every county is required to apply to the secretary to be certified to implement the unified program. This bill would additionally include, until December 31, 2019, in the unified program, an exempt transfer facility operated by a door-to-door household hazardous waste collection program, thereby creating a state-mandated local program by imposing new duties upon local agencies.

SB 818
Wolk

Food labeling: olive oil

Existing law requires the State Department of Public Health to enforce various provisions of existing law regarding the manufacture, blending, production, and sale of olive oil. Existing law makes the violation of these provisions a crime. Existing law defines olive oil to mean the edible oil obtained solely from the fruit of the olive tree to the exclusion of oils obtained using solvents or reesterification processes and of any mixture with oils derived of other kinds except in the making of flavored olive oil. Existing law also defines olive oil grades and provides that olive oil grades are to be in a specified order. This bill would revise the definitions of olive oil and grades of olive oil and olive-pomace oil, as specified. It would require lampante virgin olive oil and crude olive-pomace oil to be refined before consumption.

Community Health Services

AB 6 *CalWORKs and CalFresh*

Fuentes

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. 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 CalFresh. Existing law, with specified exceptions, requires applicants for, and recipients of, CalWORKs and CalFresh benefits, as a condition of eligibility, to be fingerprint imaged, pursuant to the statewide fingerprint imaging system. This bill would remove the requirement that applicants for, and recipients of, CalFresh benefits, as a condition of eligibility, be fingerprint imaged and would make related conforming changes. Under existing law, the county is required to annually redetermine eligibility for CalWORKs benefits. Existing law additionally requires the county to redetermine recipient eligibility and grant amounts on a quarterly basis, using prospective budgeting, and to prospectively determine the grant amount that a recipient is entitled to receive for each month of the quarterly reporting period. Under existing law, a CalWORKs recipient is required to report to the county, orally or in writing, specified changes that could affect the amount of aid to which the recipient is entitled. Under existing law, the CalWORKs quarterly reporting system is also implemented by the State Department of Social Services in administering SNAP. This bill would make inoperative October 1, 2013, and repeal January 1, 2014, the requirements relating to quarterly reporting and prospective determination grant amounts, and would, instead, impose similar requirements for a semiannual reporting period, operative April 1, 2013, to be implemented no later than October 1, 2013. This bill would require each county to transition recipients to a semiannual reporting system simultaneously and require each county to provide a certificate to the Director of Social Services certifying that semiannual reporting has been implemented in the county. The bill would also require the department to establish an income reporting threshold for CalWORKs recipients, as specified. The bill would make various related conforming changes, including revising provisions relating to the collection of CalWORKs grant overpayments. The bill would authorize counties to adopt staggered semiannual reporting requirements, as specified. This bill would prohibit administrative savings associated with the implementation of semiannual reporting from exceeding the amount necessary to fund the net General Fund costs of the semiannual reporting, and would authorize the reflection of possible additional savings in excess of this amount only to the

extent that they are based on actual savings as prescribed. The bill would authorize the department to implement these provisions through all-county letters until the adoption of implementing regulations, as prescribed. Existing law requires the Department of Community Services and Development to receive and administer the federal Low-Income Home Energy Assistance Program block grant. This bill would, to the extent permitted by federal law, require the State Department of Social Services, in conjunction with the Department of Community Services and Development, to design, implement by January 1, 2013, and maintain a utility assistance initiative. Under the bill, the State Department of Social Services would be required to grant applicants and recipients of CalFresh benefits a nominal Low-Income Home Energy Assistance Program (LIHEAP) service benefit, as specified, out of the federal LIHEAP block grant and any funds allocated for this purpose not expended and reinvested into the program, as prescribed. Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program. This bill would, instead, provide that the continuous appropriation would not be made for purposes of implementing the bill.

AB 69
Beall

Senior nutrition benefits

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh (formerly the Food Stamp program), under which nutrition assistance benefits formerly referred to as food stamps, allocated to the state by the federal government, are distributed to eligible individuals by each county. Under existing law, the State Department of Social Services administers CalFresh at the state level, and has certain specified duties in that regard. This bill, commencing July 1, 2012, would require the State Department of Social Services, to the extent permitted by federal law or other specified federal authority, to allow counties that satisfy certain criteria to simplify enrollment into CalFresh for potentially eligible low-income social security benefit recipients, utilizing existing information maintained by the Social Security Administration regarding these recipients. The bill would specify the department's duties in support of the enrollment efforts described in the bill.

AB 152
Fuentes

Food banks: grants: voluntary contributions: income tax credits

Existing law establishes the scope of functions and responsibilities of the State Department of Public Health. This bill would additionally require the State Department of Public Health to investigate and apply for federal funding opportunities regarding promoting healthy eating and preventing obesity, as specified, and, upon receipt of that funding, allow the department to award grants and provide in-kind support to support local assistance to local governments, nonprofit organizations, and local education agencies that encourage specified healthy eating programs, as provided. (2) Existing federal law, the Emergency Food Assistance Program, is administered by the State Department of Social Services to provide agricultural commodities to eligible households and recipient agencies for distribution, as prescribed. This bill would require the State Department of Social Services, on and after January 1, 2012, to establish and administer the State Emergency Food Assistance Program (SEFAP), to provide emergency food and

funding for the provision of emergency food to food banks, as provided. This bill would create the State Emergency Food Assistance Program Account and would, upon appropriation by the Legislature, allocate the moneys in the account to SEFAP and require that those moneys be used for the purchase, storage, and transportation of food grown or produced in California, as prescribed, and for the department's administrative costs. (3) The Personal Income Tax Law and the Corporation Tax Law authorize various credits against the taxes imposed by those laws. This bill would, under both laws, for taxable years beginning on or after January 1, 2012, and before January 1, 2017, allow, without regard to the taxpayer's method of accounting, a credit for qualified taxpayers, as defined, in an amount equal to 10% of the cost that would otherwise be included in inventory costs, as specified, with respect to the donation of fresh fruits or fresh vegetables to food banks located in California.

- AB 183
Ma *Alcoholic beverage licenses: self-service checkouts*
The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. This bill would prohibit off-sale licensees from selling alcoholic beverages using a customer-operated checkout stand located on the licensee's physical premises. This bill makes findings and declarations regarding the effects of allowing alcoholic beverages to be sold using self-service checkouts. The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor.
- AB 319
Norby *Alcoholic beverage control: public schoolhouses*
Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit, for special events held at the facilities of a public community college located in a county of the first, 4th, or 10th class. This bill would expand the exception described above to include public community colleges located in all counties and would specify that the special event must be held with the permission of the governing board of the community college. This bill would incorporate additional changes in Section 25608 of the Business and Professions Code, proposed by SB 339, to be operative only if SB 339 and this bill are both chaptered and become effective January 1, 2012, and this bill is chaptered last.
- AB 402
Skinner *CalFresh program: School Lunch Program: information*
Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced-price meals available to pupils. This bill would authorize a school

district or county office of education to enter into a memorandum of understanding with the local agency that determines CalFresh program eligibility, or its designee, to share information provided on the School Lunch Program application to determine an applicant's CalFresh program eligibility, as specified. The bill would provide that the School Lunch Program application is confidential and would prohibit the information used in the application from being disclosed to any governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or used for any purpose other than enrollment in the CalFresh program. This bill would also require a county that has entered into a memorandum of understanding to determine CalFresh program eligibility for children from the information provided on a School Lunch Program application shared with the county pursuant to the provisions discussed above, and, if the child is eligible, to enroll the child in the CalFresh program, upon receipt of a signed CalFresh program application. The bill would also require each county to request that the parent or guardian of each child who it determines meets the eligibility requirements for participation in the CalFresh program to provide additional documentation necessary for retention of eligibility in the CalFresh program.

AB 581 *Public health: food access*

Perez Existing law requires the Department of Food and Agriculture, headed by the Secretary of Food and Agriculture, to promote and protect the agricultural industry of the state. This bill would, until July 1, 2017, create the California Healthy Food Financing Initiative. It would require, by July 1, 2012, the Secretary of Food and Agriculture to prepare recommendations, to be presented upon request to the Legislature, regarding actions that need to be taken to promote food access in the state. The bill would establish the California Healthy Food Financing Initiative Council and would require the council to implement the initiative, as specified. The bill would require the department to establish an advisory group, as specified. The bill would create the California Healthy Food Financing Initiative Fund in the State Treasury, to be comprised of federal, state, philanthropic, and private funds, for the purpose of expanding access to healthy foods in underserved communities and, to the extent practicable, to leverage other funding, as specified. Moneys in the fund would be expended upon appropriation by the Legislature.

AB 623 *Alcoholic beverage licensees: limited off-sale retail wine license*

Williams The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law provides for various annual fees for the issuance of alcoholic beverage licenses depending upon the type of license issued. The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor, unless otherwise specified. This bill would authorize the department to issue a limited off-sale retail wine license that would allow the licenseholder to sell wine if certain conditions are met and would grant

specified privileges to the licenseholder, as provided. The bill would impose an original fee and an annual renewal fee for the license, which would be deposited in the Alcohol Beverage Control Fund.

- AB 749 *Department of Alcoholic Beverage Control: report*
Hall Under existing law, the Alcoholic Beverage Control Act is administered by the Department of Alcoholic Beverage Control. Existing law requires the department to make an annual report to the Legislature on the department's activities, on or before March 1 of each year, for the previous calendar year. This bill would, instead, require the Department of Alcoholic Beverage Control to report for the previous fiscal year.
- AB 1300 *Medical marijuana*
Blumenfield Existing law establishes the Medical Marijuana Program to exempt certain qualified patients who hold an identification card issued pursuant to the program, and the caregivers of those persons from certain state criminal sanctions related to the possession, cultivation, transportation, processing, or use of limited amounts of marijuana, as specified. The program prohibits certain entities, including a medical marijuana cooperative or collective, from being located within a 600-foot radius of a school. Existing law also specifically provides that these provisions governing the program do not prevent a city or other local governing body from adopting and enforcing laws consistent with the program. This bill would revise the latter provision described above to additionally provide that these provisions shall not prevent a city or other local governing body from adopting and enforcing local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective, or from the civil or criminal enforcement of those local ordinances.
- AB 1407 *Liability: social hosts: alcoholic beverages*
Committee Existing law generally prohibits a social host who furnishes alcoholic beverages on to any person from being held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any 3rd person, Judiciary resulting from the consumption of those beverages. Existing law excepts from this prohibition claims against a parent, guardian, or another adult who knowingly furnishes alcoholic beverages at his or her residence to a person under 21 years of age and that furnishing the alcoholic beverages may be found to be the proximate cause of resulting injuries or death. This bill would revise the exception described above to permit a claim against a parent, guardian, or another adult for furnishing alcoholic beverages to a person whom he or she knows, or should have known, to be under 21 years of age and that furnishing the alcoholic beverages may be found to be the proximate cause of resulting injuries or death. The bill would permit a claim pursuant to these provisions to be brought by, or on behalf of, the person under 21 years of age or by a person who was harmed by the person under 21 years of age.

- AB 1812 *Alcoholic beverages: beer*
Chesbro Existing law defines "beer" for purposes of the Alcoholic Beverage Control Act and specifically includes ale, porter, brown, stout, lager beer, small beer, and strong beer within that definition. This bill would revise the definition of "beer" for purposes of the Alcoholic Beverage Control Act to also provide that beer aged in barrels previously used to contain wine or distilled spirits shall be defined exclusively as "beer," as specified.
- AJR 10 *School-based health centers*
Brownley This measure would memorialize the Legislature's support for the school-based health center program authorized by the federal Patient Protection and Affordable Care Act, an appropriation by the United States Congress to fund this program, policies that include school-based health centers as a partner in creating a medical home for all children, and the inclusion of school-based health centers in the reauthorization of the federal Elementary and Secondary Education Act.
- SB 20 *Food facilities: menu labeling*
Padilla Existing law, the California Retail Food Code, requires, on and after January 1, 2011, each food facility in the state that operates under common ownership or control with at least 19 other food facilities with the same name in the state and that offers for sale substantially the same menu items or that meets other specified criteria to disclose calorie content information per standard menu item, as specified. The State Department of Public Health administers and local enforcement agencies enforce this code. Existing law provides that, on and after July 1, 2009, a food facility that violates these provisions is guilty of an infraction. Existing law, the Federal Food, Drug, and Cosmetic Act, requires certain restaurants and similar retail food establishments that are part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items to disclose nutrient content information, as specified, and provides that certain state and local nutrient content information requirements that are not identical to the federal law are preempted. This bill would repeal the above-described state calorie content disclosure requirements of the California Retail Food Code, and would require a food facility that is subject to the federal disclosure provisions for nutrient content information or was subject to the state calorie content disclosure requirements, as specified, to comply with these federal disclosure requirements and the regulations adopted pursuant thereto. It would also require the department or local enforcement agencies to enforce these provisions, as specified, and would make a violation thereof an infraction or subject to a civil penalty.
- SB 39 *Alcoholic beverages: caffeinated beer beverages*
Padilla 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. A violation of the act is a misdemeanor, except as otherwise specified. This bill would prohibit the import, production, manufacture, distribution, or sale of beer to which caffeine has been directly added as a separate ingredient at retail locations within the state.

SB 43
Liu *CalFresh Employment and Training program*
Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh (formerly the Food Stamp Program), under which nutrition assistance benefits formerly referred to as food stamps, allocated to the state by the federal government, are distributed to eligible individuals by each county. Existing federal law requires all SNAP recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program. This bill would require a county that elects to participate in the FSET program, which the bill would designate as the CalFresh Employment and Training program (CalFresh E&T), to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program, and would describe the criteria for deferral. The bill would authorize a CalFresh work registrant who is deferred from mandatory participation in the CalFresh E&T program to request to enroll in the program as a voluntary participant. This bill would require a county that elects to participate in the CalFresh E&T program to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds, as specified. The bill would further require that none of its provisions be construed to require a county to offer a particular component as part of its CalFresh E&T plan. The bill would provide that a CalFresh E&T participant is not an employee for the purposes of workers' compensation and would provide that it would not require a county to provide workers' compensation coverage for a CalFresh E&T participant. This bill would require the department to adopt implementing regulations by October 1, 2013.

SB 332
Padilla *Rental dwellings: smoking*
Existing law regulates the terms and conditions of residential tenancies. Existing law authorizes the creation of antitobacco use programs for school-age populations and prohibits any person from smoking a cigarette, cigar, or other tobacco-related product, or from disposing of cigarette butts, cigar butts, or any other tobacco-related waste, within a playground. This bill would authorize a landlord of a residential dwelling unit to prohibit the smoking of tobacco products on the property, in a dwelling unit, in another interior or exterior area, or on the premises on which the dwelling unit is located. The bill would make certain requirements on notices and leases executed on and after, and on and before, January 1, 2012, in this regard. The bill would require that a landlord who prohibits smoking pursuant to this authority be subject to federal, state, and local requirements governing changes to the terms of a lease or rental agreement for tenants, as specified. The bill would provide that its provisions do not preempt local ordinances in effect on or before January 1, 2012, or a provision of a local ordinance on or after January 1, 2012, that

prohibits the smoking of cigarettes or other tobacco products.

SB 339 *Alcoholic beverage control: on-sale beer and wine licenses: bona fide public eating place: public schoolhouses*
Wolk

(1) The Alcoholic Beverage Control Act authorizes the issuance of an on-sale beer and wine eating place license, which authorizes the sale of beer and wine for consumption on or off the licensed premises, provided the licensee maintains the licensed premises as a bona fide public eating place, as defined, and meets other specified requirements. This bill would expand the definition of bona fide public eating place, for purposes of the on-sale beer and wine eating place license, to include a cooking school that provides courses and instructions in the preparation of food and maintains suitable kitchen facilities, as provided. The bill would make other related changes to a provision containing compliance requirements imposed upon bona fide eating places for which an on-sale license has been issued. (2) Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is possessed, consumed, or used during an event at a community center owned by a community services district, as provided. This bill would expand that exception to this prohibition to include events held at a community center owned by a city. (3) This bill would incorporate additional changes in Section 25608 of the Business and Professions Code, proposed by AB 319, to be operative only if AB 319 and this bill are both chaptered and become effective January 1, 2012, and this bill is chaptered last.

SB 420 *Sythetic cannabinoid compounds*
Hernandez Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Under existing law, the sale or distribution of specified intoxicating substances is a crime, punishable by imprisonment or a fine or both. Existing law makes the possession of not more than 28.5 grams of marijuana an infraction, and the possession of more than 28.5 grams of marijuana a misdemeanor, as specified. Existing law makes possession of marijuana for sale a felony. This bill would make it a misdemeanor to sell, dispense, distribute, furnish, administer, or give, or offer to sell, dispense, distribute, furnish, administer, or give, or possess for sale any synthetic cannabinoid compound or any synthetic cannabinoid derivative.

SCR 45 *Underage alcohol use*
Corbett This measure would urge the Governor to make the prevention of underage alcohol use a priority within this state by engaging in a statewide effort to prevent and reduce underage drinking and its consequences.

Division of Communicable Diseases

- AB 186
Williams *Reportable diseases and conditions*
Existing law requires the State Department of Public Health to establish a list of reportable communicable and noncommunicable diseases and conditions, including, but not limited to, diphtheria, listeria, salmonella, shigella, and streptococcal infection in food handlers or dairy workers, and typhoid. Existing law requires local health officers to report to the department any disease or condition on the list as specified by the department. Violation of these provisions is a crime. This bill would delete the requirement that the list of required reportable diseases and conditions include specified diseases. The bill would require the department to establish a list of communicable diseases and conditions for which clinical laboratories would be required to submit a culture or specimen to the local public health laboratory or the State Public Health Laboratory, as specified. Under existing law, no civil or criminal penalty, fine, sanction, finding, or denial, suspension, or revocation of licensure may be imposed on any person or facility based upon failure to provide notification of a reportable disease or condition unless the disease or condition was printed in the California Code of Regulations at least 6 months prior to the date of the claimed failure. This bill would extend this exemption to the submission of a culture or specimen, as required. The bill would require notification of the person or facility by the department and publication in the California Code of Regulations of reportable diseases and conditions at least 6 months prior to the date of the claimed failure before a penalty, fine, sanction, or finding, or denial, suspension, or revocation of licensure may be imposed.
- AB 604
Skinner *Needle exchange programs*
Existing law, with certain exceptions, makes it a misdemeanor for a person to deliver, furnish, or transfer, or possess with intent to deliver, furnish, or transfer drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to introduce into the human body a controlled substance. Existing law provides an exception to this general rule by authorizing a city, county, or city and county to conduct a clean needle and syringe exchange project authorized by the public entity to combat the spread of HIV and bloodborne hepatitis. Existing law exempts providers participating in an exchange project from criminal prosecution for possession of needles or syringes during participation in the project. Existing law also provides a specified annual comment and reporting process relating to the needle and syringe exchange projects. This bill would, until January 1, 2019, authorize the State Department of Public Health to authorize, as specified, certain entities to provide hypodermic needle and syringe exchange services in any location where the department determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes. The bill would, until January 1, 2019, require the department to establish and maintain on its Internet Web site the address and contact information of these programs. This bill would, until January 1, 2019, exempt staff and volunteers

participating in an authorized exchange project from criminal prosecution for violation of any law related to the possession, furnishing, or transfer of hypodermic needles or syringes during participation in an exchange project and would exempt program participants from criminal prosecution for possession of needles and syringes acquired from an authorized exchange project entity. The bill would also, until January 1, 2019, make the comment and reporting process for the projects biennial. This bill would make additional technical and nonsubstantive changes.

AB 762 *Public health: medical waste*
Smyth Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, administration of the Medical Waste Management Act relating to the regulation of medical waste, including, but not limited to, provisions related to the treatment, containment, and storage of medical waste. The act authorizes the consolidation into a common container specified medical waste, biohazardous waste, and sharps waste, if the consolidated waste is treated by an approved extremely high heat technology, as specified. The act requires the container to be labeled with the biohazardous waste symbol and the words "HIGH HEAT ONLY" or other label approved by the department. This bill would authorize the reuse of a common container for specified wastes and would require the consolidated waste to be treated by either incineration at a permitted medical waste treatment facility or with an alternative technology, as specified. This bill would, in relation to the label requirement, authorize the use of the word "INCINERATION" in addition to the words "HIGH HEAT ONLY" or other label approved by the department.

AB 1382 *HIV counselors*
Hernandez Existing law establishes the Office of AIDS in the State Department of Public Health and defines human immunodeficiency virus (HIV) as the etiologic agent of acquired immunodeficiency syndrome (AIDS). Existing law authorizes HIV counselors that meet specified requirements to perform skin punctures for purposes of withdrawing blood for HIV test purposes. This bill would authorize HIV counselors to perform hepatitis C virus (HCV) or combined HIV/HCV tests in addition to HIV tests, as specified, and would make conforming changes.

SB 41
Yee

Hypodermic needles and syringes

Existing law regulates the sale, possession, and disposal of hypodermic needles and syringes, and requires, with certain exceptions, a prescription to purchase a hypodermic needle or syringe for human use. Existing law prohibits any person from possessing or having under his or her control any hypodermic needle or syringe, except in accordance with those regulatory provisions. This bill would delete the prohibition against any person possessing or having under his or her control any hypodermic needle or syringe, except in accordance with the aforementioned regulatory provisions. Existing law, beginning January 1, 2011, and ending December 31, 2018, authorizes a county or city to authorize a licensed pharmacist to sell or furnish 10 or fewer hypodermic needles or syringes to a person 18 years of age or older for human use without a prescription if the pharmacist works for a pharmacy that is registered with a local health department in the Disease Prevention Demonstration Project, established by law to evaluate the long-term desirability of allowing licensed pharmacies to sell or furnish nonprescription hypodermic needles or syringes to prevent the spread of bloodborne pathogens, including HIV and hepatitis C. Under existing law, it is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking specified controlled substances. Existing law, beginning January 1, 2011, and ending December 31, 2018, provides that the above-described provisions, pursuant to authorization from a city or county, shall not apply to the possession solely for personal use of 10 or fewer hypodermic needles or syringes. This bill would, until January 1, 2015, make these provisions, including any local authorization, but not including the Disease Prevention Demonstration Project, inoperative, and would, in the interim, authorize a physician or pharmacist, without a prescription or a permit, to furnish 30 or fewer hypodermic needles and syringes for human use to a person 18 years of age or older and would authorize a person 18 years of age or older, without a prescription or license, to obtain 30 or fewer hypodermic needles and syringes solely for personal use from a physician or pharmacist. This bill would, until January 1, 2015, provide that the above-described provisions making it unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia for unlawfully injecting or smoking certain controlled substances shall not apply to possession solely for personal use of 30 or fewer hypodermic needles or syringes if acquired from a physician, pharmacist, hypodermic needle and syringe exchange program, or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription. This bill would require the state Office of AIDS to develop and maintain information on its Internet Web site to educate consumers at risk of bloodborne infections of opportunities to improve and protect their health, and to protect the public health and would also require the California State Board of Pharmacy to post, or post a link to, this information on its Internet Web site. The Pharmacy Law authorizes a pharmacist to provide hypodermic needles and syringes without a prescription in specified circumstances. Existing law makes it a crime to knowingly violate any provision relating to the Pharmacy Law. This bill would, until January 1, 2015, require pharmacies that furnish nonprescription hypodermic needles and syringes to store the hypodermic needles and syringes in a manner that

ensures that they are not accessible to unauthorized persons, and would require pharmacies or hypodermic needle and syringe exchange programs to provide consumers with prescribed options for consumer disposal of hypodermic needles and syringes. This bill would also, until January 1, 2015, require the pharmacies to provide prescribed written information or verbal counseling at the time of furnishing or sale of nonprescription hypodermic needles or syringes.

SB 614
Kehoe

Childhood immunization

Existing law, commencing July 1, 2011, until June 30, 2012, prohibits a defined governing authority, which includes the authority of a private institution, from unconditionally admitting or advancing any pupil to the 7th through 12th grade levels of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age. This bill would, until June 30, 2012, authorize the county office of education, the governing board of a school district, or the governing body of a charter school to allow a pupil, advancing to or enrolled in any of grades 7 to 12, inclusive, to conditionally attend school for up to 30 calendar days, as specified, if that pupil has not been fully immunized with all pertussis boosters appropriate for the pupil's age if specified conditions are met. This bill would declare that it is to take effect immediately as an urgency statute.

Emergency Medical Services

- AB 215 *Emergency services: Emergency Medical Air Transportation Act*
Beall The Emergency Medical Air Transportation Act, until January 1, 2018, imposes specified penalties for certain Vehicle Code and local ordinance violations. The act requires that the moneys generated from those penalties be deposited by counties into a county emergency medical air transportation act fund, and thereafter requires the counties to transfer those moneys, less administrative costs, to the Emergency Medical Air Transportation Act Fund established in the State Treasury, as provided. The act requires moneys in the Emergency Medical Air Transportation Act Fund to be made available, upon appropriation by the Legislature, to the State Department of Health Care Services for administrative costs, and to offset the state portion of the Medi-Cal reimbursement rate for emergency medical air transportation services and to augment emergency medical air transportation reimbursement payments made through the Medi-Cal program, as specified. This bill would, instead, provide that the county or the court that imposed the fine shall transfer the moneys collected pursuant to this act to the Emergency Medical Air Transportation Act Fund in accordance with certain procedures set out in the Government Code.
- AB 1059 *Emergency medical care*
Huffman Existing law authorizes a county to establish an emergency medical services fund for reimbursement of emergency medical services (EMS) related costs, and requires an annual report to the Legislature on the implementation and status of the fund, including the fund balance and the amount of moneys disbursed to physicians and surgeons, for hospitals, and for other emergency medical services purposes. This bill would require the report to provide additional information regarding the moneys collected and disbursed, including, but not limited to, a description of the other medical services purposes, and the total amount of allowable claims, if the moneys are disbursed to hospitals on a claims basis, and the names and contact information of the entity responsible for the collection and disbursement of prescribed funds.
- SB 233 *Emergency services and care*
Pavley Existing law provides for the licensure and regulation of health facilities. A violation of these provisions is a crime. Existing law requires emergency services and care to be provided to any person requesting the services or care for any condition in which the person is in danger of loss of life, or serious injury or illness, at any licensed health facility. For the purposes of these provisions, emergency services and care is defined to include medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine the care, treatment, and surgery by a physician necessary to relieve or eliminate the emergency medical condition or active labor, within the capability of the facility. Existing law defines consultation as the rendering of an opinion, advice, or prescribing treatment by telephone and, when determined to be medically necessary jointly by the

emergency and specialty physicians, includes review of the patient's record, examination, and treatment of the patient in person by a specialty physician who is qualified to give an opinion or render the necessary treatment in order to stabilize the patient. Existing law also defines when stabilization of a patient has occurred. This bill would recast the definition of emergency services and care to include other appropriate licensed persons under the supervision of a physician and surgeon. This bill would expand the definition of consultation to also mean the rendering of a decision regarding hospitalization or transfer and would provide that consultation includes review of the patient's medical record, examination, and treatment of the patient in person by a consulting physician and surgeon when determined to be medically necessary jointly by the treating physician and surgeon and the consulting physician and surgeon, or by other appropriate personnel acting within their scope of licensure under the supervision of a treating physician and surgeon. The bill would authorize the treating physician and surgeon to request to communicate directly with the consulting physician and surgeon, and would require the consulting physician and surgeon to examine and treat the patient in person when it is determined to be medically necessary, as specified. This bill would expand the definition of when stabilization of a patient has occurred to include the opinion of other appropriate licensed persons acting within their scope of licensure under the supervision of a treating physician and surgeon.

Family Health Services

- AB 194 *Public postsecondary education: priority enrollment: foster youth*
Beall Existing law requires the California State University and each community college district, and requests the University of California, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, to grant priority for registration for enrollment to any member or former member of the Armed Forces of the United States, as defined, for any academic term attended at one of these institutions within 2 years of leaving active duty. This bill, until January 1, 2017, would require the California State University and each community college district, and requests the University of California, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, to grant priority for registration for enrollment to foster youth or former foster youth, as defined.
- AB 212 *California Fostering Connections to Success Act*
Beall Existing law, the California Fostering Connections to Success Act, revises and expands the scope of various programs relating to the provision of cash assistance and other services to and for the benefit of certain foster and adopted children, and other children who have been placed in out-of-home care, including children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC), Adoption Assistance Program, California Work Opportunity and Responsibility to Kids (CalWORKs), and Kinship Guardianship Assistance Payment (Kin-GAP) benefits. Among other provisions, the act extends specified foster care benefits to youth up to 19, 20, and 21 years of age, if specified conditions are met, commencing January 1, 2012. Existing law, through the Kin-GAP program, which is a part of the CalWORKs program, provides aid on behalf of eligible children who are placed in the home of a relative caretaker. Existing law provides state-funded Kin-GAP assistance for youth not eligible under the federally funded program and requires the state to exercise its option under specified federal law to establish a kinship guardianship assistance payment program, as specified, for youth eligible for federal financial participation for Kin-GAP. Existing law authorizes, under specified conditions, the Kin-GAP payment to be made directly to an eligible nonminor. Under existing law, CalWORKs benefits may not be granted to or on behalf of any child who has attained 18 years of age, unless the child is attending high school or the equivalent level of vocational or technical training on a full-time basis, and is expected to complete the educational or training program before his or her 19th birthday. This bill would establish similar provisions authorizing certain Kin-GAP recipients to continue to receive Kin-GAP aid after 18 years of age, if they are attending high school or vocational or technical training, as specified. The bill would require county child welfare services agencies to submit to the Department of Justice fingerprint images and related information of all THP-Plus Foster Care providers before issuing a certificate of approval to a THP-Plus Foster Care provider applicant. By increasing county responsibilities in administering the Kin-GAP program, this bill would impose a state-mandated local program. The bill would also remove the authority for payment directly to a nonminor. The bill would make

related conforming changes. This bill would, for guardianships established after January 1, 2012, require payment for certain reasonable and verified nonrecurring expenses associated with obtaining legal guardianship, not to exceed the amount specified in federal law. This bill would recast and revise definitions applicable to the extension of AFDC-FC payments to nonminor dependents who are under the jurisdiction of the juvenile court, pursuant to a voluntary reentry agreement, and in accordance with a transitional independent living case plan. Under existing law, AFDC-FC payments for children placed voluntarily on and after January 1, 1981, are limited to 180 days, and may be extended an additional 6 months, as specified. This bill, on and after January 1, 2012, would limit AFDC-FC payments to 180 days to nonminor dependents who reentered foster care placement. The bill would impose a state-mandated local program by requiring county child welfare services departments to file a specified petition relating to the interests of the nonminor in reentry and remaining in foster care. This bill also would impose a state mandated local program by requiring county child welfare services departments to complete the voluntary reentry agreement with a nonminor, and to establish a new child-only foster care eligibility determination, in accordance with a specified provision of federal law, based on the nonminor's completion of that agreement. Existing law imposes specified duties on the State Department of Social Services and local child support agencies regarding the collection and enforcement of child support in cases where a child has been removed from the parental home. This bill would modify these provisions to incorporate nonminor dependents within the existing authority, including specifying that a nonminor dependent over 19 years of age is not a child for purposes of referral to the local child support agency. Existing law requires a county welfare department to provide certain information, documents, and services to a court prior to a hearing to terminate dependency jurisdiction, as specified. This bill would expand the documents required to be provided under the above circumstances, to include, among other things, an advance health care directive form. By increasing the duties of county welfare departments, the bill would impose a state-mandated local program. Under existing law, when a minor who is a ward of the juvenile court is placed in out-of-home care and the court orders a hearing to consider permanently terminating parental rights to free the minor for adoption, the court is required to direct the agency supervising the minor and the licensed county adoption agency or the State Department of Social Services, as specified, to prepare an assessment that includes specified information. This bill would revise the contents of the required assessment including requiring consideration of the effect of a relative caregiver's preference for legal guardianship over adoption, as specified. To the extent that this requirement would increase the duties of county adoption agencies, the bill would impose a state-mandated local program. Existing law, on and after January 1, 2012, authorizes the juvenile court to assert dependency jurisdiction over a delinquent ward who had been previously removed from the custody of his or her parents and placed in foster care, as specified, and requires the county probation department and child welfare services department to develop a protocol for coordination of the assessment of these wards. This bill would delete the provisions authorizing the juvenile court to assert dependency jurisdiction over these wards and would require the county probation and child welfare services

departments to include additional processes in the assessment protocols. The bill would require the juvenile court to include specified terms in its order modifying jurisdiction over a dependent or ward who was removed from his or her parents or guardian and placed in foster care. Existing law, on and after, January 1, 2012, allows a nonminor who left foster care at or after the age of majority to petition the court to have dependency or delinquency jurisdiction resumed, as provided. This bill would establish transition jurisdiction for the juvenile court and would specify the criteria required to come within this jurisdiction. The bill would authorize a nonminor to petition the juvenile court to resume dependency jurisdiction or to assume or resume transition jurisdiction. The bill would require the court to hold a hearing before terminating transition jurisdiction over a nonminor dependent, as defined, and would require the agency responsible for supervising the nonminor dependent to complete certain duties in connection with this hearing. Because the bill would increase the duties of a county department, it would impose a state-mandated local program. Existing law specifies the grounds for finding a person under 18 years of age to be a ward of the juvenile court. This bill would, on and after January 1, 2012, require the court to hold a hearing before terminating its jurisdiction over a ward who meets specified criteria and would require the probation department to complete certain duties, including submitting a report to the court and other documents, when the transition hearing is for a nonminor ward and subject to a foster care placement order. Because the bill would thereby increase the duties of a county department, it would impose a state-mandated local program. Existing law requires the juvenile court to review the status at least once every 6 months of every minor declared to be a ward and placed in foster care. Under existing law, on and after January 1, 2012, the juvenile court at the status review hearing held closest to the ward's 18th birthday, but no fewer than 60 days before that date, is required to consider modifying its jurisdiction to assume dependency jurisdiction over the ward. This bill would change the required date for this status review hearing to no fewer than 90 days before the ward's 18th birthday and would require the court to consider modifying its jurisdiction to transition rather than dependency jurisdiction or, if the ward does not meet the criteria for transition jurisdiction, to order that a petition be filed to declare the ward a dependent. Existing law authorizes the sealing of juvenile court records under specified procedures. This bill would authorize the juvenile court to access sealed records to determine whether a nonminor petitioning to resume dependency or delinquency jurisdiction meets the required criteria for that petition. Existing law requires the juvenile court to authorize a trial period of independence away from foster care when terminating its dependency jurisdiction over a nonminor dependent who has a permanent plan of long-term foster care and, on and after January 1, 2012, authorizes a nonminor in a period of trial independence to petition the court to resume dependency or delinquency jurisdiction. This bill would delete the provisions requiring the court to authorize this trial period and would instead allow the nonminor or other designated entities to petition the court to resume the dependency jurisdiction or to assume or resume transition jurisdiction over a former delinquent ward. Existing law, the California Community Care Facilities Act, generally regulates the licensure and operation of various community care facilities.

The act requires a placement agency to notify the appropriate licensing agency of certain activities that would jeopardize the health or safety of a community care resident. Violation of the act is a misdemeanor. This bill would include incidents of abuse, neglect, or exploitation of a nonminor dependent, as defined, by a licensed caregiver while the nonminor is in a foster care placement to the list of incidents that are reportable by a placement agency. By changing the definition of an existing crime, the bill would impose a state-mandated local program. Existing law requires a child reported to the county child welfare services department to be eligible for initial intake and evaluation of risk services, and sets forth the duties of the county in this regard. This bill would extend the above-described evaluation of risk services to nonminor dependents in foster care placement, and would require the county to cross-report the abuse, neglect, or exploitation of the nonminor dependent by his or her caregiver, thus imposing a state-mandated local program. This bill also would make various technical, nonsubstantive, and conforming changes to the California Fostering Connections to Success Act and related provisions. Existing law requires the department to administer the Family Preservation and Support Program, as specified in federal law. This bill would, instead, require the department to administer the federal Promoting Safe and Stable Families funds, as specified. This bill would incorporate additional changes in Section 11170 of the Penal Code made by AB 717, to become operative if AB 717 and this bill become effective on or before January 1, 2012, and this bill is enacted last. This bill would incorporate additional changes in Section 391 of the Welfare and Institutions Code made by AB 735, to become operative if AB 735 and this bill become effective on or before January 1, 2012, and this bill is enacted last.

SB 502
Pavley

Hospital Infant Feeding Act

Existing law provides for the licensure and regulation of health facilities, including hospitals, by the State Department of Public Health. Existing law requires all general acute care hospitals and special hospitals providing maternity care to make available a breastfeeding consultant, or alternatively, to provide information to the mother on where to receive breastfeeding information. This bill would require all general acute care hospitals and special hospitals that have perinatal units, as defined, to have an infant-feeding policy and to clearly post that policy in the perinatal unit or on the hospital or health system Internet Web site. This bill would require that the infant-feeding policy be routinely communicated to perinatal unit staff and that the infant-feeding policy apply to all infants in a perinatal unit. This bill would become operative January 1, 2014.

Public Health Administration

SB 38 *Radiation control: health facilities and clinics: records*
Padilla Under existing law, the State Department of Public Health licenses and regulates health facilities and clinics, as defined. Under existing law, the Radiation Control Law, the department licenses and regulates persons that use devices or equipment utilizing radioactive materials. Under existing law, the department is authorized to require registration and inspection of sources of ionizing radiation, as defined. Violation of these provisions is a crime. Existing law requires a facility to report certain information about an event in which the administration of radiation results in prescribed occurrences to the department, the affected patient, and the patient's treating physician. This bill would, instead, require a facility to report these events commencing on July 1, 2012, and would narrow the scope of information the facility is required to report. This bill would declare that it is to take effect immediately as an urgency statute.

Criminal Justice

- AB 44
Logue *Inmates: release: notification*
Existing law requires the Department of Corrections and Rehabilitation, when releasing prisoners on parole who have been convicted of a violent felony, as defined, or certain other felonies, as specified, to notify the law enforcement agency and the district attorney having jurisdiction over the community in which the person was convicted and also the law enforcement agency and district attorney having jurisdiction over the community in which the person is scheduled to be released. Existing law requires that this notification be made by mail at least 45 days prior to the scheduled release date, and provides deadlines for local authorities to respond with written comments regarding county placements, and for the department to reply. If notification cannot be provided within the 45 days due to an unanticipated release date change of an inmate, as specified, or because the department modifies its decision regarding the community of release due to comments received by the department from agencies in that community, existing law requires that notification be provided no less than 24 hours after a final decision is made regarding where the parolee is to be released. Existing law requires that if there is a change of county placement after the 45-day notice is given to local law enforcement and the district attorney relating to an out-of-county placement, notice to the ultimate county of placement shall be made upon the determination of the county of placement. This bill would require that notification be sent 60 days prior to the scheduled release date of an inmate. The bill would conform the timeline for local comments to the longer notification period, as specified. Existing law prohibits the department from restoring credits or taking administrative action resulting in an inmate being placed in a greater credit earning category that would result in notification being provided less than 45 days prior to the inmate's scheduled release date. This bill would conform this provision to its 60-day notification requirement.
- AB 177
Mendoza *Juveniles: parenting classes*
Existing law authorizes the juvenile court, if a minor is found to be within the jurisdiction of the juvenile court by reason of the commission of a gang-related offense, and the court finds that the minor is a first-time offender and orders that a parent or guardian retain custody of that minor, to order the parent or guardian to attend antigang violence parenting classes. Under existing law, the father, mother, spouse, or other person liable for the support of the minor, the estate of that person, and the estate of the minor are liable for the cost of the classes, unless the court finds that the person or estate does not have the financial ability to pay. This bill would expand the authority of the juvenile court to order the parent or guardian of a minor to attend antigang violence parenting classes to additionally apply to a minor who is within the jurisdiction of the juvenile court for habitual disobedience, a curfew violation, truancy, or an offense that is not gang-related if the court finds the presence of significant risk factors for gang involvement on the part of the minor.
- AB 396
Mitchell *Medi-Cal: juvenile inmates*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income

individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing federal law, with certain exceptions, excludes federal financial participation for medical care provided to any individual who is an inmate in a public institution, and existing state law suspends Medi-Cal benefits, for a specified period of time, to an individual under 21 years of age who is an inmate of a public institution. Existing state law also provides that no person shall be denied benefits, for whom and for which federal financial participation is available, based solely on the individual's incarcerated status in a county or city jail or juvenile detention facility. Existing law authorizes the Department of Corrections and Rehabilitation and the State Department of Health Care Services, to the extent that federal participation is not jeopardized and federal approval is obtained, to develop a process for the provision of inpatient hospital services to inmates who would otherwise be eligible for Medi-Cal, but for their institutional status as inmates. Existing law also authorizes, to the extent federal financial participation is available, the State Department of Health Care Services to provide Medi-Cal eligibility and reimbursement for inpatient hospital services to inmates, as defined. This bill would additionally require the State Department of Health Care Services to develop processes to allow counties and the Division of Juvenile Facilities within the Department of Corrections and Rehabilitation to receive any available federal financial participation for acute inpatient hospital services and inpatient psychiatric services provided to juvenile inmates, as defined and as applicable, who are admitted as inpatients in a medical institution. The bill would require the department to consult with counties and the Division of Juvenile Facilities in the development of these processes, and would require the department to seek any federal approvals necessary to implement these provisions. The bill would provide that these provisions shall be implemented only to the extent that the Division of Juvenile Facilities and counties elect to voluntarily provide the nonfederal share of expenditures for acute inpatient hospital services and inpatient psychiatric services, and would require that the federal financial participation associated with services provided pursuant to these processes be paid to the participating counties or the Department of Corrections and Rehabilitation, as applicable. The bill would provide that these provisions shall be implemented only to the extent that any necessary federal approval is obtained and existing levels of federal financial participation are not jeopardized.

ABX1 17
Blumenfield

Criminal Justice Realignment of 2011

(1) Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, provides that, except for persons with a prior or current felony conviction for serious or violent felony, persons required to register as sex offenders, or persons convicted of a crime as part of a sentence enhancement, as specified, a felony punishable pursuant to specified provisions where the term is not specified in the underlying offense shall be punishable by a term of imprisonment in a county jail for 16 months, or 2 or 3 years and a felony punishable by a term of imprisonment described in the underlying

offense shall be punishable by imprisonment in a county jail. Those persons excepted from this requirement are subject to imprisonment in the state prison. This bill would additionally require persons with a current or prior felony conviction in another jurisdiction for an offense that has all of the elements of a serious or violent felony, as specified, to serve the term of imprisonment in the state prison. (2) Existing law provides that certain specified felonies, including agreeing, consenting, or offering to unlawfully sell, furnish, transport, or administer a specified controlled substance, or "gassing" a peace officer are punishable by incarceration in state prison. If Chapter 15 of the Statutes of 2011 becomes operative, certain of those felonies shall instead be punishable by incarceration in county jail. This bill would make various technical and conforming changes to provisions related to the incarceration of persons for felony convictions in county jail. The bill would make certain felonies, including agreeing, consenting, or offering to unlawfully sell, furnish, transport, or administer a specified controlled substance, or "gassing" a peace officer punishable by incarceration in county jail pursuant to Chapter 15 of the Statutes of 2011 instead punishable by incarceration in state prison. (3) Existing law provides for the enhancement of prison terms for new offenses because of prior prison terms, as specified. If Chapter 15 of the Statutes of 2011 becomes operative, a judge, when imposing a sentence pursuant to these provisions, may order the defendant to serve a term in a county jail for a period not to exceed the maximum possible term of confinement or may impose a sentence that includes a period of county jail time and a period of mandatory probation not to exceed the maximum possible sentence. This bill would provide that a term imposed under the above-referenced provision, wherein a portion of the term is suspended by the court to allow postrelease supervision, shall qualify as a prior county jail term for the purposes of a specified enhancement, and make conforming changes. (4) Existing law provides that, except as specified, every felony is punishable by imprisonment in any of the state prisons for 16 months, or 2 or 3 years. If Chapter 15 of the Statutes of 2011 becomes operative, a felony punishable pursuant to specified provisions where the term is not specified in the underlying offense shall be punishable by a term of imprisonment in a county jail for 16 months, or 2 or 3 years and where the term is specified for the term described in the underlying offense. Chapter 15 of the Statutes of 2011 requires that the punishment for certain felonies be served in state prison. This bill would place specified parameters on the imposition of sentences under the provisions added by Chapter 15 of the Statutes of 2011. The bill would provide that when imposing a sentence pursuant to the above-referenced provisions, the court may commit the defendant for term served in custody, as specified, or for a term as determined in accordance with the applicable sentencing law but suspend execution of a concluding portion of the term selected in the court's discretion, during which time the defendant shall be supervised by the county probation officer, as specified. (5) Existing law provides that the moneys in the District Attorney and Public Defender Account shall be used exclusively to fund costs associated with revocation proceedings involving persons subject to state parole and the

Postrelease Community Supervision Act of 2011. Existing law requires that the moneys be allocated equally by the county or city and county to the district attorney's office and the county public defender's office. This bill would require that where no public defender's office is established, the moneys be allocated to the county for distribution for the same purpose. (6) Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, applies certain provisions relating to the denial of time credits to persons confined in local facilities pursuant to provisions added by Chapter 15 of the Statutes of 2011 providing for the incarceration of felons in local facilities, as specified. This bill would repeal the amendments made by Chapter 15 of the Statutes of 2011, restore prior law, and instead subject these felons to other credit provisions applicable to persons confined in a county jail, industrial farm, or road camp, or a city jail, industrial farm, or road camp, as specified. The bill would provide that no credits may be earned for periods of flash incarceration, as specified. The bill would provide that any inmate sentenced to county jail assigned to a conservation camp who is eligible to earn one day of credit for every one day of incarceration shall instead earn 2 days of credit for every one day of service and make related changes. (7) Existing law provides that, except as specified, a prisoner sentenced to state prison under specified provisions, for whom the sentence is executed shall have one day deducted from his or her period of confinement for every day he or she served in a county jail, city jail, industrial farm, or road camp from the date of arrest until state prison credits are applicable to the prisoner. This bill would delete the above-referenced provisions, thereby making other time credit provisions applicable to prisoners confined in or committed to specified local facilities applicable to the above-referenced prisoners. (8) Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, provides that, except as specified, when specified persons who were not imprisoned for committing a violent felony, as defined, who have been released on parole from the state prison, and who have been on parole continuously for 6 months since release from confinement, within 30 days, shall be discharged from parole. This bill would additionally make the above provision related to discharge from parole inapplicable to persons who were imprisoned for committing a serious felony or who are required to register as a sex offender, as specified. (9) Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, subjects certain persons released from state prison to the jurisdiction of and parole supervision by the Department of Corrections and Rehabilitation, as specified. This bill would provide that persons required to register as sex offenders and persons subject to life-time parole, as specified, who are released from state prison shall be subject to the jurisdiction of, and parole supervision by, the Department of Corrections and Rehabilitation for a period of parole up to 3 years or the parole term the person was subject to at the time of the commission of the offense. The bill would make other conforming and related changes regarding the parole periods, revocations, search and seizure requirements, and the release of high-risk parolees. (10) Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, makes felons subject to postrelease supervision as established by the Postrelease

Community Supervision Act of 2011 eligible to participate in reentry court programs, as specified, and would authorize counties to contract with the Department of Corrections and Rehabilitation in order to obtain day treatment and crisis care services for inmates with mental health problems who are released on postrelease community supervision. This bill would instead authorize counties to contract with the department to obtain correctional clinical services. The bill would make changes to the postrelease community supervision agreement, require persons placed on postrelease supervision to be subject to search and seizure, and make other related changes regarding postrelease supervision sanctions, and revocations. The bill would require a supervising agency, upon determining that a person subject to postrelease supervision no longer permanently resides within its jurisdiction, where a change in residence was either approved or did not violate the terms and conditions of postrelease supervision, to transmit, within 2 weeks, the prison release packet to the designated supervising agency in the county in which the person permanently resides. By imposing additional duties on local agencies, the bill would create a state-mandated local program. (11) Existing law provides that upon agreement with the sheriff or director of the county department of corrections, a board of supervisors may enter into a contract with other public agencies to provide housing for inmates sentenced to county jail in community correction facilities, as specified. This bill would authorize, upon agreement with the sheriff or director of the county department of corrections, a board of supervisors to enter into a contract with the Department of Corrections and Rehabilitation to house inmates who are within 60 days or less of release from the state prison to a county jail facility for the purpose of reentry and community transition purposes. The bill would provide that when housed in county facilities, inmates shall be under the legal custody and jurisdiction of local county facilities and not under the jurisdiction of the Department of Corrections and Rehabilitation. (12) Existing law provides that, except as specified, an inmate who is released on parole or postrelease supervision shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. Existing law requires that specified information be released by the Department of Corrections and Rehabilitation to local law enforcement agencies regarding a paroled inmate or inmate placed on postrelease supervision. Existing law provides that, except as specified, the department shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) and, if Chapter 15 of the Statutes of 2011 becomes operative, requires county agencies supervising inmates released to postrelease supervision to provide any information requested by the department to ensure the availability of accurate information regarding inmates released from state prison, as specified. This bill would additionally require the Department of Corrections and Rehabilitation to submit, via electronic transfer, to the Department of Justice data to be included in the supervised released file of the California Law Enforcement Telecommunications System (CLETS) so that law enforcement can be advised

through CLETS of all persons on postrelease community supervision and the county agency designated to provide supervision. (13) The Budget Act of 2011 reduced the amount appropriated, \$95,254,000, for support of the Department of Corrections and Rehabilitation by \$77,406,000 to reflect the portion of realignment savings to be achieved through the reduction or elimination of contracts with private entities for in-state housing of state inmates. This bill would instead reduce the amount appropriated by \$54,200,000 for those purposes. (14) Existing law requires the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts to make certain calculations, including, among others, the cost to the state to incarcerate in prison and supervise on parole a probationer sent to prison and the statewide probation failure rate. This bill would additionally require, except for the Joint Legislative Budget Committee, the above-referenced entities to develop a revised formula for the California Community Corrections Performance Incentives Act of 2009 that takes into consideration the significant changes to the eligibility of some felony probationers for revocation to the state prison resulting from the implementation of the 2011 public safety realignment. (15) This bill would include additional changes proposed by SB 9 and SB 576 contingent on the enactment of those bills. (16) This bill would appropriate \$1,000 to the Department of Corrections and Rehabilitation for the purpose of state operations. (17) The bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

SB 695
Hancock

Medi-Cal: county juvenile detention facilities

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Under existing law, an inmate of a public institution who is under 21 years of age is ineligible to receive Medi-Cal benefits for a specified period of time. This bill, subject to the receipt of federal financial participation, would, until January 1, 2014, provide that Medi-Cal benefits may be provided to an individual awaiting adjudication in a county juvenile detention facility if the individual is eligible to receive Medi-Cal benefits at the time he or she is admitted to the detention facility, or the individual is subsequently determined to be eligible for Medi-Cal benefits, and the county agrees to pay the state's share of Medi-Cal expenditures and the state's administrative costs for the above-described benefits and implementation of these provisions. This bill would provide for continuation of the Medi-Cal benefits until the date of the individual's adjudication, after which benefits would be suspended as provided in specified existing law, if the individual is an inmate of a public institution. This bill would set forth specified conditions that would affect the implementation of the above-described provisions.

Economic Development and Income

- AB 959 *CalWORKs and CalFresh: reporting*
Jones Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law, in addition to annual redetermination of eligibility for CalWORKs benefits, requires counties to redetermine recipient eligibility and grant amounts on a quarterly basis, using prospective budgeting. Under existing law, if a recipient fails to submit a complete quarterly report form, as defined, by a specified time, the county is required to notify the recipient that benefits will be terminated at the end of the month, pursuant to specified notice procedures. Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, under which nutrition assistance benefits, formerly referred to as food stamps, are allocated to each state by the federal government. Under existing state law, pursuant to CalFresh, California's federal allocation is distributed to eligible individuals by each county. Existing law requires the State Department of Social Services, to the extent permitted by federal law, regulations, waivers, and directives, to implement the prospective budgeting, quarterly reporting system provided for under the CalWORKs program for the administration of CalFresh benefits. This bill would require a county to restore a recipient's benefits, on a prorated basis, if the recipient submits a complete report form within the month following the discontinuance for nonsubmission of a prescribed report form, as specified. This bill would impose a state-mandated local program by requiring the county to restore the recipient's benefits, on a prorated basis, if the recipient submits a completed report within that designated time. Existing law requires, to the maximum extent allowable by federal law, that each county welfare department provide transitional CalFresh benefits to households terminating their participation in the CalWORKs program. The bill would prohibit a recipient of transitional CalFresh benefits from receiving prorated CalFresh benefits during the same month. This bill would provide that these provisions shall become operative on July 1, 2012, and would prohibit implementation of these provisions until the department has obtained specified federal approval.
- AB 1386 *Women, minority and disabled veteran business enterprise procurement*
Bradford Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical, gas, water, and telephone corporations. Existing law authorizes the commission to establish rules for all public utilities, subject to control by the Legislature. Existing law directs the commission to require every electrical, gas, water, wireless telecommunications service provider, and telephone corporation with annual gross revenues exceeding \$25,000,000, and their regulated subsidiaries and

affiliates, to implement a program developed by the commission to encourage, recruit, and utilize minority-, women-, and disabled veteran-owned business enterprises, as defined, in the procurement of contracts from those corporations or from their regulated subsidiaries and affiliates, and to require the reporting of certain information. The commission, by its rulemaking authority, has adopted General Order 156, applicable to certain electrical, gas, and telephone corporations, to effectuate these requirements. Existing law includes the declaration by the Legislature that each electrical, gas, water, wireless telecommunications service provider, and telephone corporation that is not required to submit a plan is encouraged to voluntarily adopt a plan for increasing women, minority, and disabled veteran business enterprise procurement in all categories. This bill would additionally declare that the Legislature encourages each cable television corporation and direct broadcast satellite provider to voluntarily adopt a plan for increasing women, minority, and disabled veteran business enterprise procurement and to voluntarily report activity in this area to the Legislature on an annual basis. Existing law requires the commission to provide to the Legislature a specified report on the progress of activities undertaken by certain entities in the implementation of women, minority, and disabled business enterprise development programs. This bill would require the commission to make this report available on its Internet Web site.

Education

- AB 9
Ammiano *Pupil rights: bullying*
Existing law provides that it is the policy of the state to afford all persons in public schools, regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes, equal rights and opportunities in the educational institutions of the state, and that it is the purpose of existing law to prohibit acts that are contrary to that policy and to provide remedies therefor. Existing law requires the State Department of Education to develop a model handout, posted on appropriate department Internet Web sites, describing the rights and obligations set forth in these provisions and the policies addressing bias-related discrimination and harassment in schools. Existing law also requires the department to monitor adherence to these provisions and, as part of its regular monitoring and review of local educational agencies, to assess whether local educational agencies have adopted a policy that prohibits discrimination and harassment and a process for receiving and investigating complaints of discrimination and harassment, as specified. This bill would require the policy adopted by the local educational agencies to prohibit discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics, as specified. The bill also would require the process for receiving and investigating complaints to include complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics, as specified, and to include a requirement that school personnel who witness such acts take immediate steps to intervene when safe to do so, a timeline to investigate and resolve complaints, and an appeal process, as specified. The bill would make other conforming changes. Because this bill would require local educational agencies to perform additional duties, this bill would impose a state-mandated local program. The bill would require the Superintendent of Public Instruction to post, and annually update, on his or her Internet Web site, and to provide to each school district, a list of statewide resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and their families. The bill would make its provisions operative on July 1, 2012.
- AB 123
Mendoza *School safety: disruption threatening pupil's immediate physical safety*
Existing law provides that a person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, whose presence or acts interfere with or disrupt a school activity, without lawful business, or who remains after having been asked to leave, as specified, is guilty of a misdemeanor. "School" is defined to mean any preschool or public or private school having kindergarten or any of grades 1 to 12, inclusive. This bill would expand this provision to also apply to any person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, and willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any pupil in preschool, kindergarten, or any of grades 1 to 8, inclusive, arriving at, attending, or leaving from school.

AB 130
Cedillo *Student financial aid: eligibility: California Dream Act of 2011*
Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempt from paying nonresident tuition at the California Community Colleges and the California State University. This bill would enact the California Dream Act of 2011. This bill would provide that, on and after January 1, 2012, a student attending the California State University, the California Community Colleges, or the University of California who is exempt from paying nonresident tuition under the provision described above would be eligible to receive a scholarship derived from nonstate funds received, for the purpose of scholarships, by the segment at which he or she is a student. The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable. This bill would find and declare that the amendments to the Donahoe Higher Education Act described above are state laws within the meaning of a specified federal provision.

AB 131
Cedillo *Student financial aid*
(1) The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable. Existing law requires that a student, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit is exempt from paying nonresident tuition at the California Community Colleges and the California State University. This bill would amend the Donahoe Higher Education Act, as of January 1, 2013, to require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and to request the regents, to establish procedures and forms that enable students who are exempt from paying nonresident tuition under the above-described provision, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law, except as provided. This provision would apply to the University of California only if the regents, by appropriate resolution, act to make it applicable. This bill would provide that students who are exempt from paying nonresident

tuition under the above provision, or who meet equivalent requirements adopted by the regents, are eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. This bill would require the Student Aid Commission to establish procedures and forms that enable those students who are exempt from paying nonresident tuition under the above provision to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law. This bill would prohibit students who are exempt from paying nonresident tuition under the provision described above from being eligible for Competitive Cal Grant A and B Awards unless specified conditions are met. The bill would make these provisions operative as of January 1, 2013. (2) Existing federal law requires that a state may provide that an alien who is not lawfully present in the United States is eligible for any state or local public benefit for which that alien would otherwise be ineligible under a specified federal law only through enactment of a state law that affirmatively provides for that eligibility. This bill would find and declare that the amendments to the Donahoe Higher Education Act described above are state laws within the meaning of this federal provision. (3) 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, for prescribed fees, at community college campuses throughout the state. Existing law authorizes the waiver of these fees for, among others, students who are eligible under income standards established by the board of governors. This bill, as of January 1, 2013, would require community college districts to waive the fees of students who are exempt from nonresident tuition under the provision described in (1) above, and who otherwise qualify for a waiver under this provision, under regulations and procedures adopted by the board of governors. Because the bill would impose new duties on community college districts with respect to determining eligibility for fee waivers, the bill would constitute a state-mandated local program.

AB 180
Carter

Education: academic performance

Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API), as part of the Public School Performance Accountability Program, to measure the performance of schools, especially the academic performance of pupils. The API consists of a variety of indicators including specified achievement test scores, attendance rates, and graduation rates. Existing law requires the Superintendent, with approval of the state board, to develop an alternative accountability system for specified types of schools, including, among others, community day schools and continuation schools. Existing law allows these schools to receive an API score, but prohibits them from being included in the API rankings of schools. This bill, until January 1, 2017, would require the Superintendent and the state board, as part of the alternative accountability system for schools, or any successor system, to allow no more than 10 dropout recovery high schools, as defined, to report the results of an

individual pupil growth model that is proposed by the school and certified by the Superintendent pursuant to specified criteria instead of reporting other indicators.

AB 746
Campos

Pupils: cyber bullying

Existing law, the Interagency School Safety Demonstration Act of 1985, defines bullying as one or more acts of sexual harassment, hate violence, or intentional harassment, threats, or intimidation, directed against school district personnel or pupils, committed by a pupil or group of pupils. Under existing law, bullying, including bullying committed by means of an electronic act, as defined, is a ground on which suspension or expulsion may be based. This bill would specify that an electronic act for purposes of the act includes a post on a social network Internet Web site.

AB 1156
Eng

Pupils: bullying

(1) Existing law establishes the public school system in this state, and, among other things, provides for the establishment of school districts throughout the state and for their provision of instruction at the public elementary and secondary schools they, operate and maintain. Existing law, the Interagency School Safety Demonstration Act of 1985, among other things, requires school districts and county offices of education to be responsible for the overall development of comprehensive school safety plans for schools operating kindergarten or any of grades 1 to 12, inclusive, and further requires the Department of Justice and the State Department of Education to contract with one or more professional trainers to coordinate statewide workshops for school districts, county offices of education, and schoolsite personnel to assist them in the development of school safety and crisis response plans. This bill, as of July 1, 2012, would encourage the inclusion of policies and procedures aimed at the prevention of bullying in comprehensive school safety plans. The bill also would require the Department of Justice and the State Department of Education to contract to provide training in the prevention of bullying, as defined in the bill.

(2) Existing law requires each person between 6 and 18 years of age, inclusive, who is not otherwise exempt, to attend the public full-time day school in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing boards of 2 or more school districts to enter into an agreement, for a term not to exceed 5 school years, for the interdistrict attendance of pupils who are residents of the districts. Existing law requires the supervisor of attendance of the school district of residence to issue an individual permit verifying the district's approval, pursuant to policies of the governing board of the school district and terms of the agreement, for the transfer. Existing law establishes an appeal process for pupils whose permits are denied, or, in the absence of an agreement between the school districts, if the school districts fail or refuse to enter into an agreement. This bill, as of July 1, 2012, would require that a pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined, committed by a pupil of the school district of residence be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict

attendance agreement, at the request of the person having legal custody of the pupil. To the extent this provision would impose new or additional duties on school districts, it would constitute a state-mandated local program. (3) Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless the school district superintendent or the school principal determines that the pupil has committed any of various specified acts, including, but not limited to, bullying, as defined to include sexual harassment, hate violence, or harassment, threats, or intimidation. This bill, as of July 1, 2012, would amend the definition of bullying in this provision by specifying that bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, as defined, including, but not limited to, sexual harassment, hate violence, or harassment, threats, or intimidation, that has the effect or can reasonably be predicted to have the effect of placing a reasonable pupil, as defined, in fear of harm to that pupil's or those pupils' person or property, causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health, causing a reasonable pupil to experience substantial interference with his or her academic performance, or causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

SB 161
Huff

Schools: emergency medical assistance: administration of epilepsy medication
Existing law provides that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, a school district is authorized to provide school personnel with voluntary medical training to provide emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia. This bill, until January 1, 2017, would authorize a school district, county office of education, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school or charter school, emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines developed by the State Department of Education in consultation with the State Department of Public Health. The bill would require the State Department of Education to post these guidelines on its Internet Web site by July 1, 2012. The bill would allow a parent or guardian of a pupil with epilepsy who has been prescribed an emergency antiseizure medication by the pupil's health care provider, to request the pupil's school to have one or more of its employees receive voluntary training, as specified, in order to administer the emergency antiseizure medication, as defined, in the event that the pupil suffers a seizure when a nurse is not available. The bill would require a school district, county office of education, or charter school that elects to train school employees to ensure that the school or charter school distributes an electronic notice, as specified, to all staff regarding the request. The bill would authorize the State Department of Education to include, on its Internet Web site, a clearinghouse of best practices in training nonmedical personnel in administering an emergency antiseizure medication pursuant to these

provisions. The bill would make various legislative findings and declarations, and state the intent of the Legislature in enacting this measure.

SB 429 *Before and after school programs: After School Education and Safety Program:
DeSaulnier supplemental grants*

Existing law provides that every school that establishes a before school program component pursuant to the After School Education and Safety Program is eligible to receive a 3-year renewable direct grant, as specified, and is eligible to receive a supplemental grant to operate the program in excess of 180 schooldays during any combination of summer, intersession, or vacation periods, as specified. This bill would instead provide that any school that establishes a program pursuant to the After School Education and Safety Program, or establishes a program with a before school program component pursuant to the program, is eligible to receive a supplemental grant to operate the program in excess of 180 regular schooldays or during any combination of summer, intersession, or vacation periods for a maximum of 30% of the total grant amount awarded, per school year, to the school, as specified. The bill would allow supplemental grantees to change the location of the program and to open eligibility for the program, as specified. The bill would also require a supplemental grantee operating a 6-hour extended day program to submit, for prior approval by the State Department of Education, a revised program plan, as specified. The bill would make other conforming changes.

Housing

AB 1084

Davis

Veterans' farm and home purchases: shared equity cooperative housing

Existing law provides for farm and home purchase benefits for qualifying veterans under the Veterans' Farm and Home Purchase Act of 1943, and subsequent acts, which are collectively referred to as the CalVet Home Loan program. Existing law defines "cooperative housing corporation" for purposes of this program to mean a real estate development in which membership in the corporation, by stock, is coupled with the exclusive right to possess a portion of the real property. The bill would expand the definition of cooperative housing corporation to include a shared equity cooperative. The California National Guard Members' Farm and Home Purchase Act of 1978, administered by the Department of Veterans Affairs, provides for farm and home purchase benefits for designated members of the California National Guard. The California National Guard Members' Revenue Bond Act of 1978 authorizes, and prescribes a procedure for, the issuance of debentures for home, farm, and mobilehome loans under the California National Guard Members' Farm and Home Purchase Act of 1978. The California National Guard Members' Revenue Bond Act of 1978 creates the California National Guard Members' Farm and Home Building Fund of 1978, and creates special accounts in that fund, including, but not limited to, the National Guard Members' Revenue Bond Revenue Account. This bill would require all moneys in the California National Guard Members' Farm and Home Building Fund of 1978 and in any account created in that fund that are not needed to meet revenue bond obligations to be deposited into the Veterans' Farm and Home Building Fund of 1943 within 30 days of the effective date of this bill. This bill would also require any revenues that would have otherwise been required to be deposited into the California National Guard Members' Farm and Home Building Fund of 1978, or any other account in that fund, to be deposited into the Veterans' Farm and Home Building Fund of 1943. This bill would continuously appropriate all moneys deposited into the Veterans' Farm and Home Building Fund of 1943 pursuant to this bill to the department, and would authorize those moneys to be used by the department to make shared equity cooperative housing loans. This bill would, 30 days after the effective date of this bill, repeal the California National Guard Members' Farm and Home Purchase Act of 1978 and the California National Guard Members' Revenue Bond Act of 1978, except as provided. The Veterans' Farm and Home Purchase Act of 1974 (act) authorizes the Department of Veterans Affairs to assist veterans in acquiring homes and farms by generally providing that the department may purchase a farm or home which the department then sells to a purchaser, as defined. The act includes in the definition of "home" a condominium, a mobilehome, and a residence with 2 or 4 units occupied by veterans and their families. The act requires, before the purchase of any property by the Department of Veterans Affairs, that an appraisal of the market value of the property be filed with the department by an employee or authorized agent of the department, the Federal Housing Administration, or the Veteran's Administration. The act requires the

purchaser to make an initial payment of at least 2% of the selling price of the property and requires a loan to be secured by a deed of trust. The act authorizes the department to pay, satisfy, discharge, settle, and compromise the taxes, assessments, charges, and encumbrances, and to insure buildings, improvements, and crops, and to do work necessary to keep the home or farm in good order and repair if the purchaser fails to do so. The act also authorizes the department to add the costs of the purchaser's failure to act onto the selling price of the property and authorizes the department to seek repayment from the purchaser for these costs. The act authorizes the department to cancel a contract, forfeiting all rights of the purchaser, if the purchaser does not comply with any terms of the purchase contract. This bill would expand the definition of "home" to include a cooperative dwelling unit, as defined. This bill would define property, except when used in the phrase "real property" or "personal property," as a farm or a home. This bill would also make changes conforming to those definitions. This bill would authorize the appraisal of the market value of the property to also be filed by an appraiser licensed or certified in this state. This bill would allow the department to require a higher amount than 2% of the selling price of the property as an initial payment, and would authorize the department to allow another form of security, other than a deed of trust, to secure a loan. This bill would authorize the department to add the costs of a stock corporation's failure to pay, satisfy, discharge, settle, and compromise the taxes, assessments, charges, and encumbrances, and to insure buildings, improvements, and crops, and to do work necessary to keep the property in good order and repair to the selling price of the property and would authorize the department to seek repayment from the stock corporation for these costs. This bill would require the department to allow a stock cooperative to cure any failure by a purchaser to comply with the terms of the purchase contract. This bill would require that a purchaser's right to occupy the property under its contract with the department not be subject to consent or approval by the stock cooperative, and would require that a stock cooperative enter into an agreement directly with the department as a condition of taking title to a cooperative dwelling unit. This bill would declare that it is to take effect immediately as an urgency statute.

AB 1103
Huffman

Land use: housing element

The Planning and Zoning Law authorizes the Department of Housing and Community Development to allow a city or county to substitute the provision of units for up to 25% of the city's or county's obligation to identify adequate sites for any income category in its housing element if the city or county includes in its housing element a program committing the city or county to provide units in that income category within the city or county that will be made available through the provision of committed assistance, during the planning period covered by the element, to very low and low-income households at affordable housing costs or affordable rents, as defined. In order for a unit to qualify for inclusion in the program, it must meet one of several, specified criteria. This bill would add to that list of potential criteria the

additional criterion of being located on foreclosed property and converted with committed assistance from the city or county from nonaffordable to very low and low-income households to affordable to those households.

SCR 6 *Affordable housing: in-home Internet service accessibility*

Lowenthal This measure would encourage all state and local affordable housing lenders who administer competitive multifamily housing programs to provide competitive points for developments that will provide high-speed in-home Internet service free of charge for at least 10 years and recognize that in-home Internet service and network maintenance costs be eligible as operating costs and expenses in specified housing developments and programs.

Land Use and Transportation

- AB 208 *Land use: subdivision maps: expiration dates*
Fuentes
- (1) The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency, and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification thereof. The act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, as specified, and the local agency, in turn, to approve, conditionally approve, or disapprove the map within a specified time period. The act requires an approved tentative map or vesting tentative map to expire 24 months after its approval, or after an additional period of time prescribed by local ordinance, not to exceed 12 months. However, the act extends the expiration date of certain approved tentative maps and vesting tentative maps, as specified. This bill would extend by 24 months the expiration date of any approved tentative map or vesting tentative map that has not expired as of the effective date of this act and will expire prior to January 1, 2014. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.(2) The Permit Streamlining Act prohibits a local agency, after its approval of a tentative map for a subdivision of single- or multiple-family residential units, from requiring conformance with, or the performance of, any conditions that the local agency could have lawfully imposed as a condition to the previously approved tentative or parcel map, as a condition to the issuance of any building permit or equivalent permit upon approval of that subdivision, during a 5-year period following the recordation of the final map or parcel map for that subdivision. The act also prohibits a local agency from refusing to issue a building permit or equivalent permit for a subdivider's failure to conform with or perform those conditions. However, the act also provides that this 5-year period is a 3-year period for a tentative map extended pursuant to a specified provision of law, and the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units. This bill would provide that a tentative map extended pursuant to its provisions is also subject to the truncated 3-year period described above, and that the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units. (3) This bill would declare that it is to take effect immediately as an urgency statute.
- AB 892 *Department of Transportation: environmental review process: federal pilot*
Carter *program*
- Existing law gives the Department of Transportation full possession and control of the state highway system. Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery pilot program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government.

Existing law requires the department to submit a report to the Legislature regarding state and federal environmental review. Existing law requires the report to be submitted no later than January 1, 2009, and again, no later than January 1, 2011. This bill would, instead, require the report to be submitted no later than January 1, 2016. Existing law, until January 1, 2012, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the pilot program. This bill would delete this repeal date and extend the operation of these provisions until January 1, 2017. The bill would provide that the state shall remain liable for any decisions made or responsibilities assumed prior to repeal of these provisions under applicable federal statutes of limitation for filing citizens' suits in federal courts.

SB 244
Wolk

Local government: land use: general plan: disadvantaged unincorporated communities

(1) The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including a housing element for the preservation, improvement, and development of the community's housing. This bill would require, on or before the next adoption of its housing element, a city or county to review and update the land use element of its general plan to include an analysis of the presence of island, fringe, or legacy unincorporated communities, as defined, and would require the updated general plan to include specified information. This bill would also require the city or county planning agency, after the initial revision and update of the general plan, to review, and if necessary amend, the general plan to update the information, goals, and program of action relating to these communities therein. By adding to the duties of city and county officials, this bill would impose a state-mandated local program. (2) The Cortese-Knox-Hertzberg Act of 2000 requires a local agency formation commission to develop and determine the sphere of influence of each local governmental agency within the county and to enact policies designed to promote the logical and orderly development of areas within the sphere, and requires the commission, in preparing and updating spheres of influence to conduct a service review of the municipal services provided in the county or other area designated by the commission, and to prepare a written statement of its determinations with respect to the growth and population projections for the affected area, the present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, financial ability of agencies to provide services, status of, and opportunities for, shared facilities, accountability for community service needs, including governmental structure, and operational efficiencies, as specified. This bill would also require the agency to include in its written statement a determination with respect to the location and characteristics and the present and planned capacity of public facilities and

adequacy of public services, including sewers, water, and structural fire protection needs or deficiencies, of any disadvantaged unincorporated communities within or adjacent to the sphere of influence, thereby imposing a state-mandated local program. The bill would also require a commission, upon the review and update of a sphere of influence on or after July 1, 2012, to include in the review or update of each sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection to include the present and probable need for public facilities and services of disadvantaged unincorporated communities within or adjacent to the sphere of influence, and would authorize the agency to assess the feasibility of governmental reorganization of particular agencies, as specified. (3) Existing law generally grants various powers to cities, counties, and certain special districts, including the power to issue bonds and incur indebtedness for certain purposes and subject to certain restrictions. Existing law continuously appropriates state and federal funds in the State Water Pollution Control Revolving Fund to the State Water Resources Control Board for loans and other financial assistance for the construction of publicly owned treatment works and other related purposes, to a municipality, intermunicipal agency, interstate agency, or state agency in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. This bill would authorize those public agencies, including counties, cities, and special districts, subject to applicable constitutional restrictions, to borrow money and incur indebtedness for purposes of the State Water Pollution Control Revolving Fund. (4) This bill would incorporate changes to Sections 56375 and 56430 of the Government Code proposed by this bill and AB 54, to be operative if both bills are enacted and become operative as specified.