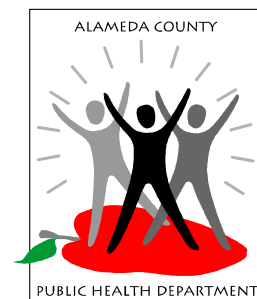


Public Health Legislation from the 2012 California Legislative Session

Prepared by Sarah Levi, August 2012

Updated by Daniel Gorenberg, October 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 2012 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, 2013.

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.

Health Care Services Agency

AB 792	Health care coverage: California Health Benefit Exchange	5
AB 969	Medi-Cal: clinical laboratory and laboratory services	5
AB 1083	Health care coverage	6
AB 1223	Medi-Cal: Public Assistance Reporting Information System	7
AB 1453	Health care coverage: essential health benefits	7
AB 1526	California Major Risk Medical Insurance Program	8
AB 1733	Health	9
AB 1761	California Health Benefit Exchange	9
AB 1803	Medi-Cal: emergency medical conditions	10
AB 2206	Medi-Cal: dual eligibles: pilot projects	10
AB 2608	Medi-Cal: local education agency billing option	11
SB 920	Medi-Cal: hospitals	11
SB 951	Health care coverage: essential health benefits	13
SB 1081	Public health care: Medi-Cal: demonstration projects	14
SB 1133	Human trafficking	14
SB 1193	Human trafficking: public posting requirements	15
SB 1529	Medi-Cal: providers: fraud	16
SB 1538	Health care: mammograms	17

Behavioral Health Care Services

AB 1569	Community mental health services: assisted outpatient treatment	18
AB 2399	Mental health: injury and illness prevention plan	18
SB 1172	Sexual orientation change efforts	18

Environmental Health Services

AB 578	Public utilities: natural gas pipelines: safety	19
AB 837	Solid waste: plastic products	20
AB 1277	Sherman Food, Drug, and Cosmetic Law	20
AB 1427	Food facilities: sanitization	21
AB 1442	Pharmaceutical waste	21
AB 1566	Aboveground storage tanks: enforcement	22
AB 1616	Food safety: cottage food operations	23
AB 1620	Hazardous waste: contained gaseous material	23
AB 1701	Underground storage tanks: local agencies	24
AB 1715	Underground storage tanks: tank case closures	25
AB 2114	Swimming pool safety	25
SB 535	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction fund.	26
SB 1087	Organized Camps	27
SB 1329	Prescription drugs: collection and distribution program	27
SB 1465	Food safety: Asian rice-based noodles	28

Community Health Services

AB 217	Workplace smoking prohibition: long-term health care facilities	30
--------	---	----

AB 252	Alcoholic beverage control: licensees	30
AB 685	State water policy	30
AB 1278	Health facilities: smoking	31
AB 1301	Retail tobacco sales: STAKE act	31
AB 1320	Alcoholic beverages: licenses	32
AB 1872	Child day care facilities: nutrition	32
AB 1915	Safe routes to school	33
AB 1956	Juvenile offenders: tattoo removal	33
AB 2184	Alcoholic beverages: tied-house restrictions	33
AB 2246	Public health: food access	34
AB 2280	California Special Supplemental Food Program for Women, Infants and Children	34
AB 2367	School gardens: sale of produce	34
AB 2386	Employment and housing discrimination: sex: breastfeeding	35
AJR 30	Medicare: dental care	35
SB 778	Alcoholic beverages licenses: contests and sweepstakes	35
SB 1391	CalFresh benefits: overissuance	35
SB 1393	Alcoholic beverage control: licensees: returns	36

Division of Communicable Diseases

AB 2109	Communicable disease: immunization exemption	37
SB 419	Solid waste: home-generated sharps	37
SB 1318	Health facilities: influenza vaccinations	37

Emergency Medical Service

AB 472	Controlled substances: overdose: punishment	39
AB 1793	Public Health: federal funding: public health emergencies	39
SB 1047	Emergency services: seniors	39
SB 1365	Emergency medical services: immunity	40

Family Health Services

AB 1434	Child abuse reporting: mandated reporters	41
AB 1435	Child abuse reporting: athletic personnel	41
AB 1640	CalWORKs benefits: pregnant mothers	41
AB 1674	Child custody: visitation	42
AB 1712	Minors and nonminor dependents: out of home placement	42
AB 1713	Child abuse reporting	46
AB 1731	Newborn screening program: critical congenital heart disease	47
AB 1817	Child abuse reporting	47
AB 2209	Juveniles: dependent children: placement	48
AB 2297	California Retail Food Code: skilled nursing facilities: intermediate care facilities for the developmentally disabled	48
SB 1064	Child custody: immigration	49
SB 1186	Disability access	50
SB 1264	Child abuse: mandated reporters	54

Public Health Administration

AB 174	Office of Systems Integration: California Health and Human Services Automation Fund	55
AB 510	Radiation control: health facilities and clinics: records	56
AB1867	Health facilities: equipment standards	57
AB 2348	Registered nurses: dispensation of drugs	57
SB 98	Nursing	57
SB 804	Health care districts: transfers of assets	58
SB 863	Workers' compensation	58
SB 1410	Independent Medical Review	63
SB 1524	Nursing	64
SCR 47	Health in All Policies	64

Criminal Justice

AB 526	Delinquency and gang intervention and prevention grants: evidenced-base principles and practices	66
AB 593	Domestic violence: battering: recall and resentencing	66
AB 2015	Criminal procedure: telephone calls: arrested custodial parents	67

Economic Development and Income

SB 1402	Economic Development: California Community Colleges Economic and Workforce Development Program	68
---------	--	----

Education

AB 1575	Pupil fees	69
AB 1909	Foster children: placement: suspension and expulsion: notifications	70
AB 2060	Juveniles: educational decisions	72
SB 754	School funding: economic impact aid	72
SB 1108	English learners: reclassification	73
SB 1458	School accountability: Academic Performance I	73

Housing

AB 2308	Land use: housing element: regional housing need	76
---------	--	----

Land Use and Transportation

AB 57	Metropolitan Transportation Commission	77
AB 441	Transportation planning	77
AB 819	Bikeways	77
AB 890	Environment: CEQA exemption: roadway improvement	78
AB 1532	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund	78

AB 1801	Land use: fees	79
AB 1922	Heavy-duty vehicles: smoke emissions	79
AB 2245	Environmental quality: California Environmental Quality Act: exemption: bikeways	80
AB 2314	Real Property: blight	80
AB 2551	Infrastructure financing districts: renewable energy zones	81
SB 1241	Land use: general plan: safety element: fire hazard impacts	81
SB 1257	Utility user tax: exemption: public transit vehicles	82

Health Care Services Agency

- AB 792 *Health care coverage: California Health Benefit Exchange*
Bonilla Existing law, the federal Patient Protection and Affordable Care Act, requires each state to, by January 1, 2014, establish an American Health Benefit Exchange that makes available qualified health plans to qualified individuals and small employers. Existing state law establishes the California Health Benefit Exchange within state government, 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 small employers by January 1, 2014. 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. Existing law sets forth procedures related to a petition for dissolution of marriage, nullity of marriage, or legal separation, or a petition for adoption. This bill would require a court, upon the filing of a petition for dissolution of marriage, nullity of marriage, or legal separation on and after January 1, 2014, to provide a specified notice informing the petitioner and respondent that they may be eligible for reduced-cost coverage through the Exchange or no-cost coverage through Medi-Cal. The bill would also require a court to provide such a notice to a petition for adoption. The bill would require the notice to include information regarding obtaining coverage through those programs and would require the notice to be developed by the Exchange. Commencing January 1, 2014, this bill would require specified health care service plans and health insurers to provide to individuals who cease to be enrolled in individual or group coverage a notice informing those individuals that they may be eligible for reduced-cost coverage through the Exchange or no-cost coverage through Medi-Cal. The bill would require the notice to include information regarding obtaining coverage through those programs and would require that the notice be developed no later than July 1, 2013, by the Department of Managed Health Care and the Department of Insurance, as specified.
- AB 969 *Medi-Cal: clinical laboratory and laboratory services*
Atkins 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 provides, until a specified rate methodology is approved by the Federal Centers for Medicare and Medicaid Services, that reimbursement for clinical laboratory or laboratory services, as defined, may not exceed 80% of the lowest maximum allowance established by the federal Medicare Program for the same or similar services. This bill would, in this regard, prohibit consideration of the donation

of, or the granting of discounts for, clinical laboratory tests or examinations or laboratory services to a federally qualified health center, as defined, for the purpose of serving its uninsured patients, as a basis for the reduction of Medi-Cal payments below that reimbursement rate.

AB 1083 *Health care coverage*

Monning Existing federal law, the federal Patient Protection and Affordable Care Act (PPACA), enacts various health care coverage market reforms that take effect with respect to plan years on or after January 1, 2014. Among other things, PPACA requires each health insurance issuer that offers health insurance coverage in the individual or group market in a state to accept every employer and individual in the state that applies for that coverage and to renew that coverage at the option of the plan sponsor or the individual. PPACA prohibits a group health plan and a health insurance issuer offering group or individual health insurance coverage from imposing any preexisting condition exclusion with respect to that plan or coverage. PPACA allows the premium rate charged by a health insurance issuer offering small group or individual coverage to vary only by family composition, rating area, age, and tobacco use and prohibits discrimination against individuals based on health status, as specified. PPACA specifies that certain of these provisions do not apply to grandfathered health plans, as defined. 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. Existing law provides for the regulation of health care service plans and health insurers that offer health benefit plans to small employers with regard to eligible employees, as defined. Existing law requires a plan or insurer to offer, market, and sell all of its small employer health benefit plans to all small employers in each service area in which the plan provides or arranges for the provisions of health care services and provides certain limits on the rates for these plans. Existing law prohibits a group health benefit plan from excluding coverage for an individual on the basis of a preexisting condition provision for a period greater than 6 months, except as specified. This bill would prohibit a health care service plan contract or health insurance policy, on or after January 1, 2014, from imposing any preexisting condition provision upon any individual, except as specified. The bill would also enact provisions that apply to nongrandfathered and grandfathered plans with respect to plan years on or after January 1, 2014, consistent with PPACA. Among other things, the bill would require a plan or insurer, on and after October 1, 2013, to offer, market, and sell all of the plan's or insurer's nongrandfathered plans that are sold in the small group market to all small employers in each service area in which the plan provides or arranges for the provision of health care services. The bill would require nongrandfathered plans to provide open enrollment periods consistent with federal law and special enrollment periods and coverage effective dates consistent with the individual nongrandfathered market and would authorize plans and insurers to

use only age, geographic region, and whether the plan covers an individual or family for purposes of establishing rates for nongrandfathered small employer plans, as specified. The bill would enact other related provisions and make related conforming changes. The bill would authorize the Department of Managed Health Care and the Department of Insurance to adopt emergency regulations implementing the bill's provisions regarding grandfathered plans by August 31, 2013, as specified. The bill would make certain of these provisions inoperative if the corresponding provisions of PPACA are repealed and would make other related conforming changes. The bill would require plans and insurers to report to the departments the number of enrollees and covered lives that receive coverage under specified contracts or policies, and would require the departments to post that information on their Internet Web sites. Because a willful violation of the bill's provisions relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

- AB 1223 *Medi-Cal: Public Assistance Reporting Information System*
Committee on Veterans Affairs
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 2-year pilot program to utilize the federal Public Assistance Reporting Information System (PARIS) to identify veterans and their dependents or survivors who are enrolled in the Medi-Cal program and assist them in obtaining federal veterans' health care benefits. Existing law requires the department to select 3 counties, as specified, to participate in the pilot project and authorizes the department to implement the program statewide at any time and continue the operation of PARIS indefinitely if the department determines that the pilot program is cost effective. This bill would remove the pilot project nature of these provisions and would require the department to implement this program statewide.
- AB 1453 *Health care coverage: essential health benefits*
Monning
Commencing January 1, 2014, existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires a health insurance issuer that offers coverage in the small group or individual market to ensure that such coverage includes the essential health benefits package, as defined. 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. PPACA defines a qualified health plan as a plan that, among other requirements, provides an essential health benefits package. Existing state law creates the California Health Benefit Exchange (the Exchange) to facilitate the purchase of qualified health plans by qualified individuals and qualified small employers by January 1, 2014. 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 requires health care service plan contracts to cover various benefits. This bill would require an individual or small group health care service plan contract issued, amended, or renewed on or after January 1, 2014, to cover essential health benefits, which would be defined to include the health benefits covered by particular benchmark plans. The bill would prohibit treatment limits imposed on these benefits from exceeding the corresponding limits imposed by the benchmark plans and would generally prohibit a plan from making substitutions of the benefits required to be covered. The bill would specify that these provisions apply regardless of whether the contract is offered inside or outside the Exchange but would provide that they do not apply to grandfathered plans, specialized plans, or Medicare supplement plans, as specified. The bill would prohibit a health care service plan from issuing, delivering, renewing, offering, selling, or marketing a plan contract as compliant with the federal essential health benefits requirement satisfies the bill's requirements. The bill would authorize the Department of Managed Health Care to adopt emergency regulations implementing these provisions until March 1, 2016, and would enact other related provisions. These provisions would only be implemented to the extent essential health benefits are required pursuant to PPACA. The bill would provide that it shall become operative only if SB 951 is also enacted.

AB 1526 *California Major Risk Medical Insurance Program*

Monning Existing law establishes the California Major Risk Medical Insurance Program (MRMIP) that is administered by the Managed Risk Medical Insurance Board (MRMIB) to provide major risk medical coverage to residents who have been rejected for coverage by at least one private health plan, as specified. Existing law creates the Major Risk Medical Insurance Fund and continuously appropriates the fund to MRMIB for the purposes of MRMIP. Existing law requires MRMIB to establish program contribution amounts for each category of risk for each participating health plan and requires that these amounts be based on the average amount of subsidy funds required for the program as a whole, to be determined in a specified manner. Existing law authorizes participating health plans to charge subscriber contributions that do not exceed the difference between its plan rate and the program contribution amounts for a category of risk. Existing law requires the program to pay program contribution amounts to participating health plans from the Major Risk Medical Insurance Fund. This bill would, for the period commencing January 1, 2013, to December 31, 2013, inclusive, additionally authorize the program to further subsidize subscriber contributions based on a specified percentage of the standard average individual risk rate for comparable coverage, as specified. The bill would prohibit the amount of any subsidy provided to subscribers from affecting the calculation of premiums for certain products. Because the bill removes a restriction limiting the expenditure of money available under an existing appropriation from a continuously appropriated fund, the bill would make an appropriation. The bill would also

provide that if regulations are adopted and readopted, those regulations by MRMIB to implement the changes made to MRMIP enacted by this bill are deemed to be an emergency and the bill would exempt MRMIB from describing facts showing the need for immediate action and from review by the Office of Administrative Law.

AB 1733 *Health*

Logue

(1) Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of the practice of professional clinical counseling by the Board of Behavioral Sciences. Existing law authorizes the board to refuse to issue any registration or license, or to suspend or revoke the registration or license of any intern or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct that includes, but is not limited to, the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of specified substances, or any combination thereof. This bill would delete the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of specified substances, or any combination thereof, from the list of what constitutes unprofessional conduct. The bill would make it unprofessional conduct to willfully violate specified provisions governing patient access to health care records. (2) 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 prohibits a health care service plan from requiring in-person contact between a health care provider and a patient before payment is made for covered services appropriately provided through telehealth, as specified. Existing law specifies that this requirement applies to certain Medi-Cal managed care plans, including county organized health systems and entities contracting with the department to provide services pursuant to 2-plan models and geographic managed care. Existing law establishes the California Program of All-Inclusive Care for the Elderly (PACE) and provides that the State Department of Health Care Services may enter into contracts with public or private nonprofit organizations for implementation of the PACE program. This bill would specify that the prohibition on requiring in-person contact also applies to other health care service plan contracts with the State Department of Health Care Services for services under the Medi-Cal program, and publicly supported programs other than Medi-Cal, as well as to the organizations implementing the PACE program. By expanding the scope of a crime, the bill would impose a state-mandated local program. The bill would also make various related conforming changes, including requiring health care practitioners providing telehealth services to practice according to the regulations regarding their profession and receive reimbursements under the Medicaid state plan.

AB 1761 *California Health Benefit Exchange*

John A.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for

- Perez 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 also provides for the regulation of health insurers by the Department of Insurance. Existing law requires the California Health Benefit Exchange (Exchange) to facilitate the purchase of qualified health plans by qualified individuals and qualified small employers by January 1, 2014. Existing law prohibits certain unfair insurance practices specifically and unfair business practices in general. This bill would prohibit an individual or entity from holding himself, herself, or itself out as representing, constituting, or otherwise providing services on behalf of the Exchange unless that individual or entity has a valid agreement with the Exchange to engage in those activities. The bill would specify that it is an unfair business practice for health care service plans, entities engaged in the solicitation of health care service plan contracts, and persons engaged in the business of insurance to violate this provision
- AB 1803 *Medi-Cal: emergency medical conditions*
 Mitchell 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 provides for a schedule of benefits under the Medi-Cal program, which includes inpatient hospital services subject to utilization controls. Existing federal law requires a hospital to provide appropriate medical screening or treatment to determine whether an emergency medical condition exists if any individual comes to the emergency department and requires an examination or treatment for a medical condition, as specified. This bill would, for Medi-Cal fee-for-service beneficiaries, add emergency services and care that are necessary for the treatment of an emergency medical condition and medical care directly related to the emergency medical condition to the schedule of benefits. This bill would provide that specified definitions shall apply for the purposes of this provision and that this provision shall not be construed to change the obligation of Medi-Cal managed care plans to provide emergency services and care.
- AB 2206 *Medi-Cal: dual eligibles: pilot projects*
 Atkins Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing federal law provides for the federal Medicare Program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. Existing law, to the extent that federal financial participation is available, and pursuant to a demonstration project or waiver of federal law, requires the department to establish demonstration sites to develop effective health care models to provide services to persons who are dually eligible under both the Medi-Cal and Medicare

programs. Under existing law, the department may require persons who are dually eligible to enroll in a Medi-Cal managed care plan that is established or expanded as part of a demonstration project, except as specified. Existing law also requires a person who is eligible for the California Program of All-Inclusive Care for the Elderly (PACE), which provides specified long-term care services to qualified older individuals, to be presented with a PACE plan as an enrollment option, in areas where a PACE plan is available. This bill would authorize persons who are eligible for PACE to disenroll from a managed care health plan and enroll in a PACE plan at any time to receive their Medi-Cal and Medicare benefits. This bill would require managed care health plans to identify, in their assessments of enrollees, and notify certain beneficiaries of their potential eligibility for PACE.

AB 2608 *Medi-Cal Local educational agency billing option*
Bonilla Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides that specified services provided by local educational agencies (LEAs) are covered Medi-Cal benefits, and requires the department to perform various activities with respect to the billing option for services provided by LEAs. Existing law establishes the Local Educational Agency Medi-Cal Recovery Fund, which consists of proportionately reduced federal Medicaid funds allocable to LEAs, to be used, upon appropriation by the Legislature, only to support the department, until January 1, 2013, to meet the requirements relating to the LEA billing option, the annual amount of which may not exceed \$1,500,000. Existing law requires, as of January 1, 2013, that all moneys in the fund be returned proportionally to all LEAs whose federal Medicaid funds were used to create the fund. This bill would delete the repeal of the provisions governing the fund and would provide that specified regulations do not apply to medical transportation eligible to be billed under these provisions until January 1, 2018, or until the date the director executes a declaration stating that its regulations have been updated. This bill would require the department to collaborate with the State Department of Education to help ensure LEA compliance with state and federal Medicaid requirements. This bill would require the department, no later than July 1, 2013, and every year thereafter, to make publicly accessible an annual accounting of all funds collected by the department from Medicaid payments allocable to LEAs, as specified.

SB 920 *Medi-Cal: hospitals*
Hernandez Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law establishes the continuously appropriated Private Hospital Supplemental Fund, administered by the California Medical Assistance Commission, which consists

of moneys from various sources used to fund the nonfederal share of supplemental payments to private hospitals. Existing law requires that the California Medical Assistance Commission be dissolved after June 30, 2012, and requires that, upon dissolution of the commission, all powers, duties, and responsibilities of the commission be transferred to the Director of Health Care Services. This bill, effective the first fiscal year in which reimbursement is provided to private hospitals under a specified methodology, would require the Director of Health Care Services to allocate the fund among eligible private hospitals pursuant to a methodology that is developed in consultation with the statewide associations representing children's hospitals and private DSH hospitals and that ensures, to the extent possible, the hospitals are allocated funding at the level of payments received for the 2011-12 fiscal year, taking into consideration applicable eligibility criteria. Existing law, subject to federal approval, imposes a quality assurance fee, as specified, on certain general acute care hospitals for the period of July 1, 2011, through December 31, 2013. Existing law requires the hospitals to pay the fee in 10 equal installments, as specified, and requires that the moneys collected from the quality assurance fee be deposited into the Hospital Quality Assurance Revenue Fund. Existing law, subject to federal approval, requires that the moneys in the fund be available, upon appropriation by the Legislature, only for certain purposes, including, among other things, making supplemental payments for certain services to private hospitals, increased capitation payments to Medi-Cal managed care plans, and increased payments to mental health plans. Existing law also authorizes designated and nondesignated public hospitals to be paid direct grants in support of health care expenditures funded by the quality assurance fee. Existing law, subject to federal approval of a Medicaid demonstration project, requires the department to authorize local Low Income Health Programs (LIHPs), as defined, to provide scheduled health care services to eligible individuals, which includes the Medicaid Coverage Expansion (MCE) population, as defined. Existing law establishes the Low Income Health Program MCE Out-of-Network Emergency Care Services Fund, which consists of moneys transferred from governmental entities on a voluntary basis and from the Hospital Quality Assurance Revenue Fund in specified amounts, to be used by the department, upon appropriation by the Legislature, to fund the nonfederal share of supplemental payments made to private hospitals and nondesignated public hospitals that are outside the LIHP coverage network for providing emergency and poststabilization services to the MCE population. Existing law provides that the provisions governing the various payments and grants shall become inoperative on September 1, 2013, if the department has not received federal approval or a specified letter that indicates likely federal approval on or before September 1, 2013. Existing law also provides that the provisions governing the various payments and grants shall remain in effect only until July 1, 2014, the date of the last payment of quality assurance fee payments, or the date of the last payment of specified payments from the department, whichever is later. This bill would modify the calculation of the quality assurance fee and the installment payment provisions, and would make

changes to the calculation of the supplemental amounts paid to private hospitals for the provision of hospital inpatient services. This bill would also increase the aggregate amount of the grants to nondesignated public hospitals for each fiscal year. This bill would reduce the amount of the proceeds from the quality assurance fee that would be transferred into the Low Income Health Program MCE Out-of-Network Emergency Care Services Fund per subject fiscal year and would delete nondesignated public hospitals as recipients of moneys from that fund. This bill would authorize the department to make supplemental payments from that fund directly to the private hospitals, as an alternative to, and in lieu of, disbursing moneys from the fund to the LIHPs. This bill would instead provide that the provisions governing the various payments and grants shall become inoperative on December 1, 2013, if the department has not received federal approval or the specified letter indicating likely federal approval. This bill would extend the operative date of the provisions governing the various payments and grants to January 1, 2015, and make related changes. This bill would make other technical, nonsubstantive changes to these provisions.

SB 951 *Health care coverage: essential health benefits*
Hernandez Commencing January 1, 2014, existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires a health insurance issuer that offers coverage in the small group or individual market to ensure that such coverage includes the essential health benefits package, as defined. 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. PPACA defines a qualified health plan as a plan that, among other requirements, provides an essential health benefits package. Existing state law creates the California Health Benefit Exchange (the Exchange) to facilitate the purchase of qualified health plans by qualified individuals and qualified small employers by January 1, 2014. Existing law provides for the regulation of health insurers by the Department of Insurance and requires health insurance policies to cover various benefits. This bill would require an individual or small group health insurance policy issued, amended, or renewed on or after January 1, 2014, to cover essential health benefits, which would be defined to include the health benefits covered by particular benchmark plans. The bill would prohibit treatment limits imposed on these benefits from exceeding the corresponding limits imposed by the benchmark plans and would generally prohibit an insurer from making substitutions of the benefits required to be covered. The bill would specify that these provisions apply regardless of whether the policy is offered inside or outside the Exchange but would provide that they do not apply to grandfathered plans or plans that cover excepted benefits, as specified. The bill would prohibit a health insurer, when issuing, delivering, renewing, offering, selling, or marketing a policy, from indicating or implying that the policy covers essential health benefits unless the policy covers essential health benefits as provided in the bill. The bill would authorize the Department of Insurance to adopt emergency regulations

implementing these provisions until March 1, 2016, and enact other related provisions. These provisions would only be implemented to the extent essential health benefits are required pursuant to PPACA. The bill would provide that it shall become operative only if AB 1453 is also enacted.

SB 1081 *Public health care: Medi-Cal: demonstration projects*

Fuller 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 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 and other specified public health coverage programs. Existing law requires the department, pursuant to federal approval of a successor demonstration project, to authorize a local Low Income Health Program (LIHP) to provide health care services to eligible low-income individuals under certain circumstances. Under existing law, a county, city and county, consortium of counties serving a region of more than one county, or a health authority may be eligible to operate an approved LIHP. Existing law establishes the continuously appropriated LIHP Fund, which consists of moneys transferred to the fund from a participating entity to meet the nonfederal share of estimated payments to the LIHP. This bill would provide that a nondesignated public hospital, as defined, or the entity with which it is affiliated, may be eligible to operate an approved LIHP if it is located in a county that does not have a designated public hospital, as defined, the county does not intend to operate a LIHP, and, if the county previously filed an application to operate a LIHP, the county has formally withdrawn its application. By increasing the number of entities that may transfer funds into the LIHP Fund, this bill would make an appropriation.

SB 1133 *Human trafficking*

Leno Existing law makes it a felony, generally known as human trafficking, to deprive or violate the personal liberty of another with the intent to effect or maintain a felony violation of, among other crimes, pimping, pandering, and abducting a minor for the purpose of prostitution. Existing law, the California Control of Profits of Organized Crime Act, defines criminal profiteering as any act committed or attempted, or any threat made for financial gain or advantage, that may be charged as a crime under specified provisions, including murder, money laundering, human trafficking, and crimes in which the perpetrator induces, encourages, persuades, threatens, or forces a person under 18 years of age to engage in a commercial sex act. Under existing law, property and assets acquired or received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity are subject to forfeiture. The money proceeds from that forfeiture are distributed as prescribed. In cases involving human trafficking of minors for purposes of prostitution or lewd conduct or in any case involving taking a person for prostitution in which the victim is a

minor, the funds are deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs and for grants to community-based organizations that serve minor victims of human trafficking. This bill would authorize the forfeiture of vehicles, boats, airplanes, money, negotiable instruments, securities, real property, or other things of value used for the purpose of facilitating the human trafficking involving a commercial sex act where the victim is an individual under 18 years of age at the time of the commission of the crime and property acquired through human trafficking or which was received in exchange for the proceeds of human trafficking of a person under 18 years of age when the crime involved a commercial sex act. The bill would prescribe the distribution of those funds, including to the General Fund of the state or local governmental entity, whichever prosecutes, and to the Victim-Witness Assistance Fund to be used upon appropriation for grants to community-based organizations that serve victims of human trafficking.

SB 1193 *Human trafficking: public posting requirements*

Steinberg Existing law authorizes a victim of human trafficking, as defined, to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief within 5 years of the date on which the trafficking victim was freed from the trafficking situation, or if the victim was a minor when the act of human trafficking against the victim occurred, within 8 years after the date the plaintiff attains the age of majority. This bill would require specified businesses and other establishments, upon the availability of a model notice developed by the Department of Justice, to post a notice, as specified, that contains information related to slavery and human trafficking, including information related to specified nonprofit organizations that provide services in support of the elimination of slavery and human trafficking. The bill would require the establishments to post the notice in a conspicuous place near the entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted. The bill also would require the establishments to print the notice in English, Spanish, and in one other language that is the most widely spoken language in the county where the establishment is located and for which translation is mandated by the federal Voting Rights Act. The bill would require the Department of Justice, on or before April 1, 2013, to develop a model notice that complies with the above requirements and make the model notice available for download on the department's Internet Web site. The bill would provide that a business or establishment that fails to comply with these requirements is liable for a civil penalty of \$500 for a first offense and \$1,000 for each subsequent offense. The bill would authorize the Attorney General and local prosecutorial agencies, as specified, to bring an action to impose one of these civil penalties against a business or establishment if a local or state agency with authority to regulate that business or establishment has provided notice of the violation to the

business or establishment, which informs the business or establishment that it is subject to a civil penalty if it does not correct the violation within 30 days from the date the notice is sent to the business or establishment, and verified that the violation was not corrected within that 30-day period. To the extent that the bill would impose additional duties on local government agencies, it would impose a state-mandated local program.

SB 1529
Alquist

Media-Cal: providers: fraud

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 an applicant or provider, as defined, to submit a complete application package for enrollment, continuing enrollment, or enrollment at a new location or a change in location, and requires the application form for enrollment, the provider agreement, and all attachments or changes to be signed under penalty of perjury. Existing law authorizes the department, upon receipt of reliable evidence, as described, of fraud or willful misrepresentation by a provider, or upon the commencement of a specified suspension of a provider, to, among other things, withhold payment for any goods, services, supplies, or merchandise, or any portion thereof. Existing law prohibits the department from enrolling any applicant that has been convicted of any felony or misdemeanor involving fraud or abuse in any government program. This bill would revise these provisions to require, upon receipt of a credible allegation of fraud for which an investigation is pending under the Medi-Cal program against a provider, or upon the commencement of the specified suspension of a provider, that the provider be temporarily placed under payment suspension, unless it is determined there is good cause, as defined, not to suspend the payments or to suspend them only in part. This bill would prohibit the department from enrolling a provider in, or would require the department to terminate the provider from, the Medi-Cal program, if it is discovered that the provider has been terminated under Medicare or under the Medicaid Program or Children's Health Insurance Program in any other state, and would provide that a temporary suspension may be lifted if a resolution of an investigation for fraud or abuse occurs, as defined. This bill would require, commencing as specified, the department to conduct a criminal background check and require submission of a set of fingerprints when the department designates a provider as a "high" categorical risk, as specified. This bill would require the department, commencing as specified and with some exceptions, to collect an application fee for enrollment, including enrollment at a new location or a change in location in the amount calculated by the federal Centers for Medicare and Medicaid Services. This bill would authorize the department to establish a temporary moratorium on enrollment of providers under specified circumstances. This bill would make other related and conforming changes. This bill would require, on a quarterly basis, that the Department of Justice, and any other law enforcement agency that has accepted referrals for investigation

from the department, report to the department a listing of each referral, stating whether the referral continues to be under investigation and whether it involves a credible allegation of fraud. To the extent that this bill increases the duties of local law enforcement agencies, this bill would create a state-mandated local program. This bill would authorize the department, effective January 1, 2012, to enter into contracts with one or more eligible Medicaid Recovery Audit Contractors pursuant to specified federal law. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

SB 1538
Simitian

Health care: mammograms

Existing law requires specified information to be provided to patients regarding their health care. Existing federal law requires a written report of the results of each mammography examination and requires a summary of that report to be sent to the patient within a specified time period. This bill, from April 1, 2013, until January 1, 2019, would require, under specified circumstances, a health facility at which a mammography examination is performed to include in the summary of the written report that is sent to the patient a prescribed notice on breast density.

Behavioral Health Care Services

- AB 1569 *Community mental health services: assisted outpatient treatment*
Allen Existing law, Laura's Law, until January 1, 2013, regulates designated assisted outpatient treatment services, which counties may choose to provide for their residents. In counties where assisted outpatient treatment services are available, a court may order a person to obtain assisted outpatient treatment if the court finds the requisite criteria are met, as specified. Existing law requires the State Department of Mental Health to submit a report and evaluation of all counties implementing any component of this law to the Governor and the Legislature by July 31, 2011, as specified. This bill would extend authorization for the act to January 1, 2017, and would require the State Department of Health Care Services to submit the report by July 1, 2015.
- AB 2399 *Mental health: state hospitals: injury and illness prevention plan*
Allen Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of State Hospitals, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities. This bill would require state hospitals to update their injury and illness prevention plans at least once every year, as specified, and would require the department to submit those plans to the Legislature every 2 years. This bill would require each state hospital to establish an injury and illness prevention committee, which would meet at least 4 times a year, to provide recommendations to the hospital's director on updates to the injury and illness prevention plan, and would also require each state hospital to develop an incident reporting procedure that can be used to, at a minimum, develop reports of patient assaults on employees and assist the hospital in identifying risks of patient assaults on employees.
- SB 1172 *Sexual orientation change efforts*
Lieu Existing law provides for licensing and regulation of various professions in the healing arts, including physicians and surgeons, psychologists, marriage and family therapists, educational psychologists, clinical social workers, and licensed professional clinical counselors. This bill would prohibit a mental health provider, as defined, from engaging in sexual orientation change efforts, as defined, with a patient under 18 years of age. The bill would provide that any sexual orientation change efforts attempted on a patient under 18 years of age by a mental health provider shall be considered unprofessional conduct and shall subject the provider to discipline by the provider's licensing entity. The bill would also declare the intent of the Legislature in this regard.

Environmental Health Services

AB 578 *Public utilities: natural gas pipelines: safety*

Hill Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The Public Utilities Act authorizes the commission to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or services to be furnished, imposed, observed, and followed by specified public utilities, including gas corporations. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. The Natural Gas Pipeline Safety Act of 2011 designates the commission as the state authority responsible for regulating and enforcing intrastate gas pipeline transportation and pipeline facilities pursuant to federal law, including the development, submission, and administration of a state pipeline safety program certification for natural gas pipelines. When the federal National Transportation Safety Board (NTSB) submits a safety recommendation letter concerning gas pipeline safety to the commission, this bill would require the commission, within 90 days, to provide the NTSB with a formal written response to each recommendation stating: (1) the commission's intent to implement the recommendations in full, with a proposed timetable for implementation of the recommendations, (2) the commission's intent to implement part of the recommendations, with a proposed timetable for implementation of those recommendations, and detailed reasons for the commission's refusal to implement those recommendations that the commission does not intend to implement, or (3) the commission's refusal to implement the recommendations, with detailed reasons for the commission's refusal to implement the recommendations. When the NTSB issues a safety recommendation letter concerning any commission-regulated gas pipeline facility to the United States Department of Transportation, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA), a gas corporation, or to the commission, or the PHMSA issues an advisory bulletin concerning any commission-regulated gas pipeline facility, the bill would require the commission to determine if implementation of the recommendation or advisory is appropriate and further require that the basis for the commission's determination be detailed in writing and be approved by a majority vote of the commission. If the commission determines that a safety recommendation made by the NTSB is appropriate or that action concerning an advisory bulletin by the PHMSA is necessary, the bill would require that the commission issue orders or adopt rules to implement the safety recommendations or advisory as soon as practical and to consider whether a more effective, or equally effective and less costly, alternative exists to address the safety issue that the recommendation or advisory addresses. The bill would require the commission to include a detailed description of any action taken on an NTSB safety recommendation, or to implement an advisory bulletin, in a specified annual report the commission is required to make to the Legislature. Under existing law, a violation of any order, decision, rule, direction, demand, or requirement

of the commission is a crime.

AB 837 *Solid waste: plastic products*

Nestande Existing law requires rigid plastic packaging containers sold or offered for sale in this state to meet specified criteria, including, but not limited to, that the container be made from 25% postconsumer material. Existing law prohibits a person, on and after January 1, 2013, from selling a plastic product that is labeled as "biodegradable," "compostable," "degradable," or as otherwise specified, unless, at the time of the sale, the product meets the applicable ASTM standard specification or other specified certification requirements. These provisions are generally administered by the Department of Resources Recycling and Recovery, and a city, a county, or the state may impose civil liability for a violation. This bill would require a manufacturer or supplier making an environmental marketing claim relating to the recycled content of a plastic food container product, as defined, to maintain certain information and documentation in support of that claim. The bill would require a manufacturer or supplier to furnish this information to any member of the public upon request or to provide the information and documentation by furnishing a link to a document on its Internet Web site. The bill would repeal these requirements on January 1, 2018.

AB 1277 *Sherman Food, Drug and Cosmetic Law*

Hill The Sherman Food, Drug, and Cosmetic Law regulates the packaging, labeling, and advertising of drugs and devices, and is administered by the State Department of Public Health. The law prohibits the sale, delivery, or giving away of any new drug or new device unless either the department has approved a new drug or device application for that new drug or new device and that approval has not been withdrawn, terminated, or suspended or a new drug application has been approved for it and that approval has not been withdrawn, terminated, or suspended under specified provisions of the Federal Food, Drug, and Cosmetic Act, or it is a new device for which a premarket approval application has been approved, and that approval has not been withdrawn, terminated, or suspended under the federal act. The Sherman Food, Drug, and Cosmetic Law requires the department to adopt regulations to establish the application form and set the fee for licensure and renewal of a drug or device license. This bill would revise the above-described prohibition to exempt a new biologic product for which a license has been issued under federal law. Existing law also requires the department to inspect the place of business of each licensed manufacturer of a drug or device in the state prior to issuance of the license and, thereafter, once every 2 years, unless the United States Food and Drug Administration inspected the place of business within the previous 2 years. This bill would, instead, require each place of business to submit to the department documentation that evidences ownership and that the place of business is operating pursuant to a valid biologics license, establishment registration, or approved investigational new drug or

investigational device exemption issued by the United States Food and Drug Administration, as prescribed, or is in compliance with audits conducted pursuant to specified standards, prior to the department issuing the place of business a license. If the business does not provide this documentation, the bill would require the department to inspect the place of business prior to licensure. This bill would authorize the business to request an official copy of the valid license. Existing law authorizes any authorized agent of the department to enter and inspect specified locations, as prescribed, for purposes of enforcement of the Sherman Food, Drug, and Cosmetic Law. This bill would require, for any place of business where a drug or device is manufactured and its manufacturer has received a license, the department to make investigations or inspections only under specified circumstances, including when the department makes a determination that the health and safety of the public is at risk, notification has been sent by the United States Food and Drug Administration to the department requesting assistance regarding a specified recall action, or when the United States Food and Drug Administration has requested assistance for enforcement activities.

AB 1427 *Food facilities: sanitization*

Solorio Existing law, the California Retail Food Code, requires all food facilities in which food is prepared, or in which multiservice utensils and equipment are used, to provide manual methods to effectively clean and sanitize utensils, as specified. Existing law requires manual sanitization to be accomplished in a number of prescribed ways, including the application of sanitizing chemicals by immersion, manual swabbing, or brushing, using specified solutions. The law requires the State Department of Public Health to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. A violation of these provisions is a misdemeanor. This bill would authorize manual sanitization to be accomplished by immersion, manual swabbing, or brushing, using a solution of ozone that meets specified requirements, including compliance with specified federal laws and regulations. By adding a new, permissible method of manual sanitization, and thereby increasing the enforcement duties of local officials, this bill would impose a state-mandated local program.

AB 1442 *Pharmaceutical waste*

Wieckowski The existing Medical Waste Management Act, administered by the State Department of Public Health, regulates the management and handling of medical waste, as defined. Existing law requires that all medical waste be hauled by either a registered hazardous waste hauler or by a person with an approved limited-quantity exemption granted pursuant to specified provisions of law. Violation of these provisions of law is a crime. This bill would define pharmaceutical waste for purposes of the Medical Waste Management Act, and would exempt a pharmaceutical waste generator or parent organization that employs health care professionals who generate pharmaceutical waste from specified medical waste hauling requirements if the generator, health care

professional, or parent organization retains specified documentation and meets specified requirements and if the facility receiving the medical waste retains specified documentation and meets specified requirements. The bill would authorize pharmaceutical waste to be transported by the generator or health care professional who generated the pharmaceutical waste, a staff member of the generator or health care professional, or common carrier, as defined, pursuant to these provisions.

AB 1566 *Aboveground storage tanks: enforcement*

Wieckowski (1) The Aboveground Petroleum Storage Act (act) defines, for purposes of the act, an "aboveground storage tank" as a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground, except as specified. Existing law requires every county to apply to the Secretary for Environmental Protection to be certified to implement the unified hazardous waste and hazardous materials management regulatory program (unified program) and allows a city or local agency to implement the unified program. Existing law requires the unified program agencies (UPAs) to implement that act. This bill would revise the definition of "aboveground storage tank" to include tanks in an underground area, as defined. The bill would also make conforming changes to the definition of the term "tank facility." The bill would require the UPAs to implement the act in accordance with the regulations adopted by the Office of the State Fire Marshal and would authorize the Office of the State Fire Marshal to adopt these regulations, thereby imposing a state-mandated local program by imposing new requirements upon local agencies with regard to the act. The bill would require the office to establish an advisory committee and take other actions with regard to ensuring compliance with local, state, and federal requirements. The bill would also require the office to interpret the act and oversee the implementation of the act by the UPAs and would make conforming changes in that regard. The bill would impose criminal penalties for a violation of the act, thereby imposing a state-mandated local program by creating new crimes, and would impose administrative penalties for a violation of the act. (2) Existing law defines the term "underground storage tank" for purposes of the provisions regulating the storage of hazardous substances in underground storage tanks, and excludes certain tanks from that definition. Existing law exempts from the requirements imposed upon underground storage tanks, a tank located in a below-grade structure that is connected to an emergency generator tank system and meets specified conditions, including that the tank has a cumulative capacity of 1,100 gallons or less. This bill would revise the definition of the term "underground storage tank" to additionally exclude a tank in an underground area, and associated piping, that is subject to the act. The bill would increase the capacity for an exempted tank in a below-grade structure to less than 1,320 gallons. (3) This bill would incorporate additional changes to Section 25281 of the Health and Safety Code proposed by AB 1701, to become operative only if AB 1701 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

- AB 1616 *Food safety: cottage food operations*
Gatto Existing law, the Sherman Food, Drug, and Cosmetic Law (Sherman Law), requires the State Department of Public Health to regulate the manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the Federal Food, Drug, and Cosmetic Act. The Sherman Law makes it unlawful to manufacture, sell, deliver, hold, or offer for sale any food that is misbranded. Food is misbranded if its labeling does not conform to specified federal labeling requirements regarding nutrition, nutrient content or health claims, and food allergens. Violation of this law is a misdemeanor. The existing 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. That law exempts private homes from the definition of a food facility, and prohibits food stored or prepared in a private home from being used or offered for sale in a food facility. That law also requires food that is offered for human consumption to be honestly presented, as specified. A violation of these provisions is a misdemeanor. This bill would include a cottage food operation, as defined, that is registered or has a permit within the private home exemption of the California Retail Food Code. The bill would also exclude a cottage food operation from specified food processing establishment and Sherman Law requirements. This bill would require a cottage food operation to meet specified requirements relating to training, sanitation, preparation, labeling, and permissible types of sales and would subject a cottage food operation to inspections under specified circumstances. The bill would require a food facility that serves a cottage food product without packaging or labeling to identify it as homemade. The bill would establish various zoning and permit requirements relating to cottage food operations. This bill would incorporate additional changes in Section 113789 of the Health and Safety Code, proposed by AB 2297, to be operative only if AB 2297 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last.
- AB 1620 *Hazardous waste: contained gaseous material*
Wieckowski Under existing law, "contained gaseous material" is regulated by the Department of Toxic Substances Control as a hazardous waste. Existing law defines contained gaseous material as any gas that is contained in an enclosed cylinder or other enclosed container. Existing law exempts from the definition of contained gaseous material any exhaust gas, flue gas, or other vapor stream, regardless of the source, that is controlled by a permitted or exempted air pollution control device. This bill would instead exempt from the definition of "contained gaseous material" any exhaust or flue gas, or other vapor stream, or any air or exhaust gas stream that is filtered or otherwise processed to remove particulates, dusts, or other air pollutants, regardless of the source.

AB 1701 *Underground storage tanks: local agencies*

Wieckowski (1) 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 as a Certified Unified Program Agency (CUPA). Existing law generally regulates the storage of hazardous substances in underground storage tanks and requires the provisions to be implemented by the local agency that is authorized to implement the unified program and thus be certified as the CUPA. Existing law also defines the term "unified program agency" as meaning the CUPA, or its participating agencies, that is approved by the secretary to implement or enforce those underground storage tank requirements. This bill would revise the term "local agency" for purposes of the underground storage tank requirements to mean the unified program agency with regard to the implementation of certain provisions regulating underground storage tanks and a city or county for purposes of provisions authorizing corrective action to releases from those tanks. The bill would impose a state-mandated local program by imposing new duties upon local agencies with regard to the implementation of those requirements. (2) Existing law requires the State Water Resources Control Board to develop and implement a local oversight program for the abatement of, and oversight of the abatement of, unauthorized releases of hazardous substances from underground storage tanks by local agencies and authorizes the board to enter into an agreement with a local agency to conduct that program. This bill would revise those provisions to allow a city or county to apply to the board to be certified to implement the local oversight program and would provide, on and after July 1, 2013, that only a certified city or county is authorized to implement the local oversight program. The bill would authorize the board to certify a city or county that the board determines is qualified to oversee or perform the abatement and would require the board to adopt procedures and criteria for certifying and withdrawing certification from cities and counties, which procedures and criteria would be exempt from the requirements and procedures for the adoption of regulations. The bill would require the board, if it does not, by July 1, 2013, certify a city or county that has been previously implementing a local oversight program, to assign the cases from that city or county to the appropriate regional board or a certified city or county. The board would be required to review, at least once every 3 years, the ability of the certified city or county to carry out the local oversight program and would be authorized, after conducting the review, to withdraw the certification of the city or county, pursuant to a specified procedure. The bill would allow the board, on and after June 30, 2013, to enter into an agreement with a local agency to conduct the local oversight program only if the local agency is a certified city or county. (3) The bill would incorporate amendments to Section 25281 of the Health and Safety Code proposed by both this bill and AB 1566, which would become operative only if both bills are enacted and become

effective and this bill is enacted after AB 1566.

- AB 1715 *Underground storage tanks: tank case closure*
Smyth Existing law requires an owner, operator, or other responsible party to take corrective action in response to an unauthorized release of petroleum from an underground storage tank. Under existing law, the State Water Resources Control Board, a regional board, or a local agency may undertake or contract for corrective action in response to that unauthorized release. The State Water Resources Control Board is authorized to close, or to require the closure of, an underground storage tank case where an unauthorized release has occurred, if the board determines that the corrective action at the site complies with specified requirements. Existing law requires the manager of the Underground Storage Tank Cleanup Fund to annually review certain tank cases and authorizes the manager, with the approval of the tank owner or operator, to make a recommendation to the board for closure of a tank case. If the manager recommends closing a tank case, existing law requires the board to limit reimbursement of subsequently incurred corrective action costs to \$10,000, except as specified. This bill would require the manager, upon a determination that closure of the tank case is appropriate based upon that review, to provide a review summary report to the applicable regional board and local agency and provide opportunity for comment. The bill would prohibit the regional board or local agency from issuing a corrective action directive or enforcing an existing corrective action directive for a tank case for which the manager has provided this review summary report, until the board issues a decision regarding the closure of the tank case, except as specified. The bill would specify that the \$10,000 limit for corrective action costs after tank closure includes costs for groundwater monitoring. The bill would make a statement of legislative intent regarding the board's actions regarding these tank cases.
- AB 2114 *Swimming pool safety*
Smyth (1) The Swimming Pool Safety Act generally requires, whenever a building permit is issued for the construction of a new swimming pool or spa, the pool or spa to be equipped with specified safety features, including that the swimming pool or spa have at least 2 circulation drains per pump that are hydraulically balanced, and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least 3 feet in any dimension between the drains. Existing law also requires a public wading pool to have at least 2 circulation drains per pump, as specified, that are separated by a distance of at least 3 feet in any dimension between the drains. This bill would instead require a swimming pool, spa, or public wading pool that is subject to the above safety provisions to have at least 2 circulation suction outlets, as defined, per pump, and be separated by a distance of at least 3 feet in any dimension between the suction outlets, or be designed to use alternatives to suction outlets, including, but not limited to, skimmers or perimeter overflow systems to conduct water to the recirculation pump. The bill would also require the circulation system to have the capacity to provide a complete turnover of

pool water, as specified. (2) Existing law requires a building permit issued for the remodel or modification of an existing swimming pool, toddler pool, or spa to require the suction outlet of the pool or spa to be upgraded with an antientrapment cover meeting ASTM or ASME standards. This bill would instead require those building permits to require all outlets for a swimming pool, toddler pool, or spa to be upgraded with an antientrapment cover meeting ANSI/APSP performance standards, as defined. (3) Existing law requires public swimming pools, as defined, to be equipped with antientrapment devices or systems that meet ASME/ANSI or ASTM performance standards, as defined. Existing law further requires every public swimming pool with a single main drain that is not an unblockable drain to be equipped with at least one or more safety devices designed to prevent physical entrapment by pool drains. Existing law also requires public wading pool main drain suction outlets to be covered with grates, antivortex plates, or similar protective devices, as specified. This bill would instead require every public swimming pool with a single suction outlet, as defined, that is not an unblockable suction outlet to be equipped with at least one or more safety devices that meet ANSI/APSP performance standards. The bill would also require all public wading pool suction outlets to be covered with grates, antivortex plates, or similar protective devices, as specified. The bill would additionally require a public swimming pool that has a suction outlet in any location other than on the bottom of the pool to be designed so that the recirculation system has a capacity to provide a complete turnover of pool water within prescribed times based on the pool type, as specified. (4) Existing law requires the State Department of Public Health to issue a form for use by an owner of a public swimming pool to indicate compliance with specified safety provisions. Under existing law, the form is required to be completed by the owner of a public swimming pool prior to filing the form with the appropriate city, county, or city and county department of environmental health, and is required to include specified information. This information includes a statement of whether the pool operates with a single or split main drain. This bill would require that form to instead include a statement of whether the pool operates with a single suction outlet or multiple suction outlets. The bill would make other related changes. By imposing new duties on local government officials, the bill would impose a state-mandated local program. Under existing law, violation of these swimming pool safety requirements constitutes a misdemeanor. This bill, by expanding the definition of an existing crime, would impose a state-mandated local program. (5) This bill would incorporate additional changes to Section 116064 of the Health and Safety Code proposed by SB 1099, that would become operative only if SB 1099 and this bill are both enacted, both bills become effective on or before January 1, 2012 and this bill is enacted last.

SB 535 *California Global Warming Solutions Act of 2006: greenhouse gas reduction fund*
DeLeon The California Global Warming Solutions Act of 2006 requires the State Air

Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board to include use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. This bill would require the California Environmental Protection Agency to identify disadvantaged communities for investment opportunities, as specified. The bill would require the Department of Finance, when developing a specified 3-year investment plan, to allocate 25% of the available moneys in the Greenhouse Gas Reduction Fund to projects that provide benefits to disadvantaged communities, as specified, and to allocate a minimum of 10% of the available moneys in the Greenhouse Gas Reduction Fund to projects located within disadvantaged communities, as specified. The bill would require the Department of Finance, when developing funding guidelines, to include guidelines for how administering agencies should maximize benefits for disadvantaged communities. The bill would require administering agencies to report to the Department of Finance, and the Department of Finance to include in a specified report to the Legislature, a description of how administering agencies have fulfilled specified requirements relating to projects providing benefits to, or located in, disadvantaged communities. This bill would make its provisions contingent on the enactment of other legislation, as specified.

- SB 1087 *Organized camps*
Walters Existing law permits a participating program operated by a city, county, or nonprofit organization in the After School Learning and Safe Neighborhoods Partnership Program to operate for up to 30 hours per week without obtaining a license or special permit otherwise required under existing law. The bill would increase the authorization to 60 hours per week, provided that an individual pupil cannot attend the program for more than 30 hours per week. Existing law regulates the licensure and administration of day care centers and family day care centers and exempts specified recreation programs conducted for children from these regulations. The bill would expand the scope of this exemption to organized camps or similar organizations.
- SB 1329 *Prescription drugs: collection and distribution program*
Simitian Existing law authorizes a county to establish, by ordinance, a repository and distribution program under which a pharmacy that is owned by or contracts with the county may distribute surplus unused medications, as defined, to

persons in need of financial assistance to ensure access to necessary pharmaceutical therapies. Existing law requires a county that has established a program to establish procedures to, among other things, ensure proper safety and management of any medications collected and maintained by a participating pharmacy. Existing law authorizes a skilled nursing facility, specified drug manufacturer, or pharmacy wholesaler to donate medications to the program. Existing law requires medication under the program to be dispensed to an eligible patient, destroyed, or returned to a reverse distributor, as specified. Except in cases of noncompliance, bad faith, or gross negligence, existing law prohibits certain people and entities from being subject to criminal or civil liability for injury caused when donating, accepting, or dispensing prescription drugs in compliance with the program's provisions. This bill would authorize a county to establish the program by action of the county board of supervisors or by action of a public health officer of the county, as prescribed. This bill would also authorize specified primary care clinics and pharmacies to participate in the program. This bill would require a pharmacy or clinic seeking to participate in the program to inform the county health department in writing of its intent and prohibit the pharmacy or clinic from participating until the county health department has confirmed that it has received this notice. This bill would require participating pharmacies and clinics to disclose specified information to the county health department and require the county board of supervisors or public health officer to make this information available upon request to the California State Board of Pharmacy. This bill would authorize the county board of supervisors, public health officer, and California State Board of Pharmacy to prohibit a pharmacy or clinic from participating in the program, under certain circumstances, and require written notice to be provided to prohibited pharmacies or clinics. This bill would authorize certain licensed health and care facilities and certain pharmacies, as specified, to donate unused medications to the program, in accordance with prescribed conditions. This bill would also make other conforming changes to those provisions.

SB 1465 *Food safety: Asian rice-based noodles*

Yee Existing law, the Sherman Food, Drug, and Cosmetic Law, requires all manufacturers of Asian rice-based noodles to place labels on the Asian rice-based noodles that indicate the date and time of manufacture and include a warning that the Asian rice-based noodles are perishable and must be consumed within 4 hours of manufacture. Existing law prohibits the sale of Asian rice-based noodles unless they have this labeling. Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities, as defined. The law requires the State Department of Public Health to adopt regulations to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. This bill would revise the definition of Asian rice-based noodles, as specified, and require the labels to instead indicate the date and time that the Asian rice-based noodles first came out of hot holding, as specified. This bill

would exempt Asian rice-based noodles from these labeling requirements if the Asian rice-based noodles meet specific criteria. Existing law authorizes the sale of Asian rice-based noodles, as defined, that have been at room temperature for no more than 4 hours, and requires that Asian rice-based noodles that have been kept at room temperature be consumed, cooked, or destroyed within 4 hours of manufacture. This bill would require Asian rice-based noodles kept at room temperature to be segregated for destruction after 4 hours of the date and time labeled on the product. This bill would exempt Asian rice-based noodles from the above-described time-temperature requirements if the Asian rice-based noodles meet specific criteria.

Community Health Services

- AB 217
Carter *Workplace smoking prohibition: long-term health care facilities*
Existing law prohibits an employer from knowingly or intentionally permitting, and a person from engaging in, the smoking of tobacco products in an enclosed space at a place of employment. Existing law provides that "place of employment" for purposes of that prohibition does not include, among other places, patient smoking areas in long-term health care facilities, as defined. Existing law provides that any violation of that prohibition is an infraction, punishable by a fine not to exceed \$100 for a first violation, \$200 for a 2nd violation within one year, and \$500 for a 3rd and for each subsequent violation within one year. This bill would provide that a patient smoking area, as defined, is not a place of employment for purposes of the smoking prohibition described above only if the patient smoking area is not located in a patient's room, is located outdoors in a courtyard, patio, or other outdoor space that can be monitored by facility staff, and is located in an area that reasonably prevents smoke from entering the facility or patient rooms.
- AB 252
Calderon *Alcoholic beverage control: licenses*
Existing provisions of the Alcoholic Beverage Control Act generally prohibit manufacturers, winegrowers, bottlers, importers, wholesalers, and others from performing certain activities, with specified exceptions. Existing law, until January 1, 2014, permits a manufacturer of distilled spirits, winegrower, rectifier, or distiller, or any authorized agent of that person to provide, free of charge, entertainment, food, and distilled spirits, wine, or nonalcoholic beverages to consumers over 21 years of age at an invitation-only event in connection with the sale or distribution of wine or distilled spirits, as specified. This bill would additionally permit a distilled spirits manufacturer's agent to provide entertainment, food, and distilled spirits, wine, and nonalcoholic beverages at an event described above, as specified. The Alcoholic Beverage Control Act provides that a violation of specified provisions of the act is punishable as a misdemeanor.
- AB 685
Eng *State Water Policy*
Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water. This bill would declare that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The bill would require all relevant state agencies, including the Department of Water Resources, the State Water Resources Control Board, and the State Department of Public Health, to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and grant criteria are pertinent to the uses of water described above.

- AB 1278 *Health facilities: smoking*
Hill 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, a program for the licensing and regulation of health facilities including general acute care hospitals, acute psychiatric hospitals, and nursing facilities. A violation of these provisions is a misdemeanor. Existing law, with certain exceptions, prohibits smoking in patient care areas, waiting rooms, and visiting rooms of specified health facilities. A violation of these provisions is an infraction. Existing law generally prohibits smoking in the workplace. This bill would repeal the above described prohibition against smoking in specified areas of specified health facilities, and would instead prohibit smoking in all areas of a general acute care hospital and throughout the entire hospital campus, as specified. The bill would require general acute care hospitals to post specified signs and train employees on the smoking policy. The bill would provide that the smoking prohibition does not prevent smoking on a hospital campus by a patient if the treating physician determines that the patient's treatment will be substantially impaired by the denial to the patient of the use of tobacco and the physician enters a written order permitting the use of tobacco by that patient. The bill would also specify that violation of these provisions does not constitute either a misdemeanor or an infraction.
- AB 1301 *Retail and tobacco sales: STAKE Act*
Hill Existing law, the California Cigarette and Tobacco Licensing Act of 2003, requires a retailer to obtain a license from the State Board of Equalization to engage in the sale of cigarette and tobacco products in California. Existing law, the Stop Tobacco Access to Kids Enforcement Act, or STAKE Act, establishes various requirements for retailers relating to tobacco sales to minors. Existing law also makes it a misdemeanor for a retailer to knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sell, give, or in any way furnish a minor with tobacco products or paraphernalia. Under existing law, violations of the STAKE Act or the above-described misdemeanor provision result in board action, on a set schedule, relating to the licensure of the retailer when the youth purchase survey finds that 13% or more of youth are able to purchase cigarettes. Existing law makes the board's authority inoperative when a youth purchase survey shows less than 13% of youth were able to purchase cigarettes. Under existing law, enforcing agencies assess civil penalties in prescribed amounts against a person, firm, or corporation that sells, gives, or in any way furnishes to a person under 18 years of age specified tobacco products. Moneys from these penalties are deposited in the Sale of Tobacco to Minors Control Account in the State Treasury. This bill would remove the schedule for board action in response to the occurrence of a violation, as defined, of the STAKE Act or the misdemeanor provision. The bill would declare that these changes would not result in the limitation or termination of specified board investigations and actions. The bill would require the board to assess a civil penalty and to

suspend or revoke a retailer's license, as specified, for the 3rd, 4th, or 5th violation. The bill would require the assessment of an additional civil penalty, as specified, to be deposited in the existing Cigarette and Tobacco Products Compliance Fund, which would be made available, upon appropriation by the Legislature, to fund these suspension and revocation activities.

AB 1320 *Alcoholic beverages: licenses*

Allen 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. The act also provides for a limitation on the amount of on-sale general licenses that may be issued by the department based on the population of the county in which the licensed premises are located, as provided. This bill would provide an exception to this limitation for a county of the 18th class, as specified. The bill makes legislative findings and declarations regarding the necessity of a special statute.

AB 1872 *Child day care facilities: nutrition*

Alejo Existing law, the California Child Day Care Facilities Act, administered by the State Department of Social Services, provides for the licensure and regulation of child day care facilities, defined to include, among others, family day care homes. Under existing law, the department may assess a civil penalty of no more than \$50 per day, with exceptions, for violations of the act relating to family day care homes. Willful or repeated violation of these provisions is a misdemeanor. This bill would require, except as provided, a family day care home, at a minimum, to provide meals and snacks that, in amount and component, meet certain nutrition standards. The bill would require the department to explain these nutritional requirements on its Internet Web site, in appropriate department outreach materials, and during the orientation of prospective family day care home providers, and would authorize the department to send updated nutritional standard information to providers through a provider bulletin or other similar instruction. The bill would require a family day care home to keep daily menus, available for parents and guardians to see, of all meals and snacks served, as specified. The bill would require the department to take specified actions with respect to noncompliance with these provisions, and would exempt a family day care home from all other procedures that would otherwise govern noncompliance with these provisions. The bill would require the department to inform prospective and current child day care providers about the above-described nutrition requirements by posting certain information on the department's Internet Web site, and by disseminating information by other means deemed appropriate by the department.

AB 1915 Alejo	<p><i>Safe routes to school</i></p> <p>Existing law requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a "Safe Routes to School" program for construction of bicycle and pedestrian safety and traffic calming projects, and to award grants to local agencies in that regard from available federal and state funds, based on the results of a statewide competition. Existing law sets forth various factors to be used to rate proposals submitted by applicants for these funds. This bill would provide that up to 10% of program funds may be used to assist eligible recipients in making infrastructure improvements, other than schoolbus shelters, that create safe routes to schoolbus stops located outside of the vicinity of schools.</p>
AB 1956 Portantino	<p><i>Juvenile offenders: tattoo removal</i></p> <p>The Youth Authority Act provides for the detention and confinement of youthful offenders by the Division of Juvenile Facilities of the Department of Corrections and Rehabilitation. Existing law establishes a pilot program requiring the Division of Juvenile Facilities to purchase 2 medical laser devices for the removal of tattoos, as specified, from eligible participants who are at-risk youth, ex-offenders, and current or former gang members, as specified. Existing law further establishes the California Voluntary Tattoo Removal Program, which serves individuals between 14 and 24 years of age, inclusive, who are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth, through a competitive grant process, as specified. This bill would expand these tattoo removal programs to serve individuals who were tattooed for identification in trafficking or prostitution and are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a specified community-based organization. The bill would also express the intent of the Legislature to encourage the Board of State and Community Corrections to extend current federal funding, if available, to programs serving individuals from 14 and 24 years of age, inclusive, who were tattooed for identification in trafficking or prostitution.</p>
AB 2184 Hall	<p><i>Alcoholic beverages: tied-house restrictions</i></p> <p>Existing law, known as tied-house restrictions, prohibits specified licensees from furnishing, giving, or lending money or other thing of value, directly or indirectly, to a person engaged in operating, owning, or maintaining an off-sale licensed premises. This bill would authorize, until January 1, 2015, the appearance of a person employed or engaged by an authorized licensee at a promotional event held at the premises of an off-sale retail licensee for the purposes of providing autographs, subject to specified conditions. 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.</p>

- AB 2246 *Public health: food access*
Perez Existing law establishes, until July 1, 2017, the California Healthy Food Financing Initiative to expand access to nutritious foods in underserved, urban, and rural communities. Existing law establishes the California Healthy Food Financing Initiative Council and requires the council to implement the initiative. Existing law requires the council, among other things, to develop financing options using public or private moneys and resources to support access to healthy foods. This bill would require the council to establish and maintain an Internet Web site. This bill would require the Internet Web site, by March 31, 2013, to include, but not be limited to, prescribed information, including information on actions that the council has taken and funding sources that are available to support access to healthy foods.
- AB 2280 *California Special Supplemental Food Program for Women, Infants and Children*
Lara Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC Program), administered by the State Department of Public Health, provides for the issuance of nutrition coupons, as defined, to certain low-income women, infants, and children who have been determined to be at nutritional risk. The WIC Program, which implements a program authorized under existing federal law, provides for the redemption of nutrition coupons by recipients at any authorized retail food vendor. Existing law provides that a vendor or any person who, among other things, knowingly redeems coupons in excess of the price charged other customers is subject to specified sanctions. This bill would require the department, within 30 days after the department has completed its first investigation, to provide written notice, as prescribed, to a vendor if the department determines that the vendor has committed an initial violation for which a pattern of the violation must be established to impose a sanction. This bill would require the notice to be delivered to the vendor 30 days before the department conducts a 2nd investigation for purposes of establishing a pattern of the violation. The bill would state that it is the intent of the Legislature in enacting these provisions to clarify existing law.
- AB 2367 *School gardens: sale of produce*
Bonilla Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens. Under existing law, a school district, charter school, or county office of education may apply to the Superintendent of Public Instruction for funding for a 3-year grant in order to develop and maintain an instructional school garden. Existing law limits the grants to a maximum of \$2,500 per schoolsite, except as provided. This bill would authorize a school district, charter school, or county office of education to sell produce grown in a school garden, regardless of whether the school participates in the Instructional School Gardens Program, if the school district, charter school, or county office of education complies with applicable federal, state, and local health and safety requirements for the production, processing, and distribution of the produce.

AB 2386 Allen	<p><i>Employment and housing discrimination: sex: breastfeeding</i></p> <p>Under the California Fair Employment and Housing Act, it is unlawful to engage in specified discriminatory practices in employment or housing accommodations on the basis of sex. Under existing law, "sex," for purposes of the act, includes gender, pregnancy, childbirth, and medical conditions related to pregnancy or childbirth. This bill would provide that, for purposes of the act, the term "sex" also includes breastfeeding or medical conditions related to breastfeeding. This bill would also state that the changes made by this bill to the above provisions are declaratory of existing law. This bill would incorporate additional changes in Section 12926 of the Government Code proposed by AB 1964, that would become operative only if AB 1964 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.</p>
AJR 30 Pan	<p><i>Medicare: dental care</i></p> <p>This measure would memorialize the President and Congress of the United States to enact legislation that would add comprehensive, preventative dental care coverage to Medicare benefits.</p>
SB 778 Padilla	<p><i>Alcoholic beverages licensees: contests and sweepstakes</i></p> <p>The Alcoholic Beverage Control Act prohibits any licensee from giving any premium, gift, or free goods in connection with the sale or distribution of any alcoholic beverage, except as provided. This bill would permit an authorized licensee, as defined, to conduct a consumer contest, as defined, and conduct or sponsor consumer sweepstakes, as defined, offering the chance to win prizes, if specified conditions are met. 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.</p>
SB 1391 Liu	<p><i>CalFresh benefits: overissuance</i></p> <p>Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law provides for the collection of fraudulent and nonfraudulent overissuances of SNAP benefits, and authorizes the United States Secretary of Agriculture to delegate this power to the appropriate state agencies. Under existing law, a county administering CalFresh, and operating an early fraud detection and prevention program in accordance with existing law, is required to make a referral for fraud investigation when reasonable grounds for fraud exist, including when an overpayment or overissuance of benefits, or both, may result from an applicant's failure to report information pertinent to eligibility or benefits. This bill would establish procedures, consistent with federal law, for recovering CalFresh overissuances, including requiring benefits to be reduced when an overissuance is caused by intentional program violation or fraud, inadvertent household error, or when caused by administrative error,</p>

under certain circumstances. This bill would authorize the State Department of Social Services to establish a minimum cost-effective threshold for collecting CalFresh overissuances, as specified. The bill would prohibit collection of an overissuance from being attempted, in connection with a household that is no longer receiving CalFresh benefits, when the overissuance is caused by administrative error and is less than \$125, or a threshold established by the state pursuant to a specified provision, whichever is greater. This bill would require collection of an overissuance to be attempted, in connection with a household that is no longer receiving CalFresh benefits, when the overissuance is caused by inadvertent household error and is \$35 or more. The bill would extend the authority to implement, as specified, these provisions and related provisions until January 1, 2014.

SB 1393 *Alcoholic beverage control: licensees: returns*

McLeod Under the Alcoholic Beverage Control Act, a seller may accept the return of beer from a retailer only if the beer is returned in exchange for the identical quantity and brand of beer. Existing law provides exceptions to that provision, including an exception that permits a seller to accept the return of beer from a seasonal or temporary licensee and an exception that allows a seller of beer to accept the return of recalled beer, and either exchange the beer or credit the retailer, as provided. This bill would expand these exceptions to allow an alcoholic beverage licensee to accept the return of unsold and unopened beer from organizations that obtain a particular license, as specified, and to allow the return of beer that is recalled or that is considered to present a health and safety issue by the manufacturer, importer, or governmental entity if distributed, offered for sale, or sold in the state, and would allow for the exchange of beer or a credit memorandum.

Division of Communicable Diseases

- AB 2109 *Communicable disease: immunization exemption*
Pan Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases, as specified. Existing law exempts a person from the above-described immunization requirement if the parent or guardian or other specified persons file with the governing authority a letter or affidavit stating that the immunization is contrary to his or her beliefs. This bill would instead require this letter or affidavit to document which required immunizations have been given and which have not been given on the basis that they are contrary to the parent or guardian's or other specified person's beliefs. The bill would require, on and after January 1, 2014, the letter or affidavit to be accompanied by a form prescribed by the State Department of Public Health that includes a signed attestation from a health care practitioner, as defined, that indicates that the health care practitioner provided the parent or guardian of the person, the adult who has assumed responsibility for the care and custody of the person, or the person, if an emancipated minor, who is subject to the immunization requirements with information regarding the benefits and risks of the immunization and the health risks of specified communicable diseases. The bill would require the form to include a written statement by the parent, guardian, other specified persons, or person, if an emancipated minor, that indicates that he or she received the information from the health care practitioner.
- SB 419 *Solid waste: home-generated sharps*
Simitian Existing law requires a pharmaceutical manufacturer selling or distributing medication that is intended to be self-injected at home to submit, on an annual basis, to the Department of Resources Recycling and Recovery a plan supporting the safe collection and proper disposal of specified waste devices. The manufacturer is required to post and maintain a copy of the plan on its Internet Web site. This bill would require the above plan to be submitted in an electronic format as prescribed by the department. The bill would require the manufacturer to post and maintain a copy of the plan in a readily accessible location on its Internet Web site.
- SB 1318 *Health facilities: influenza vaccinations*
Wolk Existing law imposes on the State Department of Public Health various duties and responsibilities regarding the regulation of clinics and health facilities, including general acute care hospitals, as defined. Existing law requires a general acute care hospital to annually offer onsite influenza vaccinations, if available, to all hospital employees. Existing law requires a general acute care hospital to require its employees to be vaccinated, or if the employee elects not to be vaccinated, to declare in writing that he or she declined the vaccination. A

violation of these provisions is punishable as a misdemeanor. This bill would require clinics, as defined, and health facilities to institute measures, including aerosol transmissible diseases training, designed to maximize influenza vaccination rates and to prevent onsite health care workers affiliated with the clinic or health facility and persons with privileges on the medical staff from contracting, and transmitting to patients, the influenza virus. This bill would provide that a clinic includes a licensed clinic, a clinic conducted, operated, or maintained as an outpatient department of a hospital, or an outpatient setting, as defined. This bill would require each clinic and health facility to annually offer onsite influenza vaccinations to its employees and to require its onsite health care workers affiliated with the clinic or health facility, as defined, and persons with privileges on the medical staff, as defined, to be vaccinated. This bill would require each clinic and health facility to annually record its vaccination rate, as defined, for each year and to make those records available online or upon request. This bill would require clinics and health facilities to maintain vaccination records of their employees and permit clinics and health facilities to require documentation of vaccination or vaccination refusal from an onsite health care worker or person with privileges on the medical staff. By increasing the responsibilities of clinics and health facilities, and adding instances where a clinic or health facility could be subject to a misdemeanor, this bill would expand the definition of a crime and would impose a state-mandated local program. This bill would also require each clinic and health facility to develop policies to implement these provisions and to ensure nonmedical staff, as defined, compliance with vaccination requirements. This bill would require the medical staff to develop separate policies to ensure compliance with vaccination requirements imposed by the clinic or health facility. This bill would require, commencing January 1, 2015, each clinic and health facility to have a 90% or higher vaccination rate. The bill would require the department, by July 1, 2015, to develop a model mandatory vaccination policy, as specified, and for each year a clinic or health facility does not achieve the 90% or higher vaccination rate, would require the clinic or health facility to adopt the model mandatory vaccination policy for the following influenza season. Existing law establishes the Medical Board of California which approves accrediting agencies of outpatient settings. Existing law permits outpatient settings to apply to an accreditation agency for a certificate of accreditation. Existing law requires every outpatient setting which is accredited to be inspected by the accreditation agency. This bill would require an accrediting agency to ensure that an outpatient setting to which it has issued a certificate is in compliance with these provisions.

Emergency Medical Services

- AB 472 *Controlled substances: overdose: punishment*
Ammiano 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. Existing law generally provides punishment for the unauthorized use, possession, and sale of controlled substances. This bill would provide that it shall not be a crime for any person who experiences a drug-related overdose, as defined, who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted seeking medical assistance if that person does not obstruct medical or law enforcement personnel. The bill would provide that its provisions shall not affect laws prohibiting the selling, providing, giving, or exchanging of drugs, or laws prohibiting the forcible administration of drugs against a person's will. The bill would provide that it shall not affect liability for any offense that involves activities made dangerous by the consumption of controlled substances, including, but not limited to, driving under the influence.
- AB 1793 *Public health: federal funding: public health emergencies*
Yamada Existing law establishes procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions, hospitals, clinics, emergency medical systems, and poison control centers of federal funding received for the prevention of, and response to, public health emergencies. Existing law provides that these procedures apply only when the specified entities are designated by a federal or state agency to manage the funds for public health preparedness and response to public health emergencies, pursuant to a specified federally approved plan. Existing law requires funds to be allocated to these entities through the use of agreements that are exempt from provisions that establish public contracting standards. Existing law makes these provisions inoperative as of September 1, 2012, and repeals these provisions as of January 1, 2013. This bill would expand these provisions to apply to public health emergency preparedness and response by long-term health care facilities, and would delete the repeal of these provisions. This bill would declare that it is to take effect immediately as an urgency statute.
- SB 1047 *Emergency services: seniors*
Alquist Existing law authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies. Existing law requires a law enforcement agency to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been

abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person. This bill would require that if a person is reported missing to a law enforcement agency, and that agency determines that certain requirements are met, including, among others, that the missing person is 65 years of age or older, the law enforcement agency shall request the California Highway Patrol to activate a Silver Alert. The bill would require the California Highway Patrol to activate a Silver Alert upon request if it concurs with the law enforcement agency that specified requirements are met. The bill would require the California Highway Patrol to, upon activation of a Silver Alert, take certain actions to assist the agency investigating the disappearance. The bill would repeal these provisions on January 1, 2016.

SB 1365 *Emergency medical services: immunity*

McLeod Existing law limits the civil liability of a licensed nurse who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of that person's employment, as specified. Existing law also limits the civil liability of firefighters, police officers or other law enforcement officers, and emergency medical technicians who render emergency medical services at the scene of an emergency, as specified. This bill would extend the above-described liability limit applicable to firefighters, police officers or other law enforcement officers, and emergency medical technicians to emergency medical services rendered during an emergency air or ground ambulance transport, and emergency medical services rendered by a registered nurse, as defined, at the scene of an emergency or during an emergency air or ground ambulance transport.

Family Health Services

AB 1434 *Child abuse reporting: mandated reporters*

Feuer Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. This bill would add employees and administrators of a public or private postsecondary institution, whose duties bring the administrator or employee into contact with children on a regular basis or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution, to the list of individuals who are mandated reporters. By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program. This bill would incorporate additional changes in Section 11165.7 of the Penal Code, proposed by AB 1435, AB 1713, AB 1817, and SB 1264, to be operative only if AB 1435, AB 1713, AB 1817, or SB 1264 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

AB 1435 *Child abuse reporting: athletic personnel*

Dickinson Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. This bill would add athletic coaches, athletic administrators, and athletic directors employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive, to the list of individuals who are mandated reporters. By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program. This bill would incorporate additional changes in Section 11165.7 of the Penal Code, proposed by AB 1434, AB 1713, AB 1817, and SB 1264, to be operative only if AB 1434, AB 1713, AB 1817, or SB 1264 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

AB 1640 *CalWORKs benefits: pregnant mothers*

Mitchell Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to

eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Under existing law, for a family that does not include a needy child qualified for CalWORKs benefits, a pregnant mother is eligible for aid for the month in which the birth is anticipated, and the 3 months immediately prior to that month. However, CalWORKs aid is required to be paid to a pregnant woman who is also eligible for the Cal-Learn Program, as specified, at any time after verification of pregnancy. This bill would require CalWORKs aid to be paid to a pregnant mother who is 18 years of age or younger at any time after verification of pregnancy, when the Cal-Learn Program is operative, regardless of whether she is eligible for the Cal-Learn Program. The bill would provide that CalWORKs aid would otherwise be paid to a pregnant mother in the month in which the birth is anticipated, and the 3 months immediately prior to that month.

AB 1674 *Child custody: visitation*

Ma Existing child custody law requires the Judicial Council to develop standards for supervised visitation providers in accordance with specified guidelines. This bill would require any standards for supervised visitation providers adopted by the Judicial Council to conform to the provisions of the bill. The bill would require supervised visitation providers to be professional providers or nonprofessional providers, as specified. The bill would require the court, in any case in which it has determined there is domestic violence or child abuse or neglect, as specified, and it determines that supervision is necessary, to consider whether to use a professional or nonprofessional provider based upon the child's best interest. The bill would also require professional providers to receive 24 hours of training in certain subjects. The bill would require providers of supervised visitation to advise the parties of certain legal rights, report suspected child abuse to the appropriate agency, and to suspend or terminate visitation in certain cases in accordance with specified procedures.

AB 1712 *Minors and nonminor dependents: out of home placement*

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 Program (Kin-GAP) benefits. Among other provisions, the act extends specified foster care benefits to youth up to 19, 20, and 21 years of age, described as nonminor dependents, if specified conditions are met, commencing January 1, 2012. This bill also would make a nonminor dependent who has been receiving specified aid, as described above, between January 1,

2012, and December 31, 2012, and who attains 19 years of age prior to January 1, 2013, eligible to continue to receive that aid, notwithstanding the age limitations in existing law, provided that the nonminor dependent continues to meet all other applicable eligibility requirements. This bill would impose a state-mandated local program by increasing county duties. This bill would extend the date by which the State Department of Social Services is required to develop certain regulations to implement the extension of the above-described benefits to nonminor dependents, from July 1, 2012, to July 1, 2013. This bill would provide that a nonminor former dependent or ward, as defined, is eligible for AFDC-FC benefits up to 21 years of age if specified conditions are met. Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of various community care facilities, as defined. Violation of the act is a misdemeanor. Existing law defines Transitional Housing Placement Plus (THP-Plus) Foster Care as a placement that offers supervised housing opportunities and supportive services to eligible nonminor dependents, as specified. Existing law excludes THP-Plus Foster Care from the definition of a community care facility. This bill would include THP-Plus Foster Care within the definition of a community care facility for purposes of the Community Care Facilities Act. By expanding application of the act, this bill would expand the scope of an existing crime, thus imposing a state-mandated local program. The bill would delete existing separate fingerprinting requirements applicable to THP-Plus Foster Care providers, making those providers subject to the background check information generally applicable to community care facilities. Existing law determines the county of residence of a minor child, as specified. This bill would determine the county of residence of a nonminor dependent under the original or resumed dependency jurisdiction or transition jurisdiction of the juvenile court. Existing law requires the Judicial Council to establish a court-appointed special advocate (CASA) program, pursuant to which volunteer CASAs provide designated services and support to children under the jurisdiction of the juvenile court. This bill would make nonminor dependents eligible for the CASA program. Existing law authorizes payment of CalWORKs aid to a nonminor dependent placed in the approved home of a relative, as specified, if the nonminor dependent is involved in certain educational or employment activities. This bill would authorize the CalWORKs payments described above to be made out of state when the nonminor dependent is placed in the approved home of a relative who resides in another state. By increasing county duties, this bill would impose a state-mandated local program. This bill would revise the provisions relating to state-funded and federally funded Kin-GAP payments, and would make Kin-GAP and Adoption Assistance Program payments for nonminor former dependents between 20 and 21 years of age contingent upon appropriations by the Legislature. The bill would expand the definition of a relative for purposes of the federally funded Kin-GAP program. The bill also would revise various definitions applicable to the AFDC-FC program relating to nonminor dependents and transitional housing services. The bill would specify that certain health and education information required to be provided for a foster

child would only be provided with respect to a nonminor dependent with his or her written consent. This bill would extend access to public health nursing services under the statewide child welfare services program, and designated placement services and family reunification services to nonminor dependents, as specified. By increasing duties of county welfare departments, the bill would impose a state-mandated local program. Existing law requires a court that continues dependency jurisdiction with respect to a nonminor dependent to order development of a planned permanent living arrangement, under a mutual agreement, as defined. This bill would revise the definition of mutual agreement, by specifying the criteria of these agreements applicable to nonminor dependents, and nonminor former dependents and wards, who are in receipt of Kin-GAP and AFDC-FC payments, respectively. The bill also would make conforming changes to related provisions and definitions. Existing law provides that the extension of AAP benefits to nonminor or former dependents between 20 and 21 years of age is contingent upon an appropriation by the Legislature. This bill would delete that contingency. To the extent that it would increase the duties of county placing agencies, the bill would impose a state mandated local program. This bill would expand certain provisions relating to proceedings of the juvenile court to include nonminor dependents, and would make related changes. Existing law requires the social worker or probation officer to give notice of review hearings in specified dependency proceedings to certain individuals, including the child, any known siblings of the child, and the child's caregiver. Under existing law, a child's caregiver may attend the review hearings and submit any relevant written information to the court. This bill would require the social worker or probation officer to give notice of review hearings and termination of jurisdiction hearings in specified dependency proceedings to a nonminor dependent, any known siblings of the nonminor dependent, and the current caregiver of the nonminor dependent. Additionally, the bill would authorize the caregiver of the nonminor dependent to attend the hearings and to submit relevant written information for filing and distribution to the parties and attorneys. By imposing new duties on social workers and probation officers, this bill would impose a state-mandated local program. Under existing law, the juvenile court may retain jurisdiction over a dependent child until the dependent child is 21 years of age. Existing law further provides that the juvenile court's jurisdiction includes nonminor dependents. Under existing law, the juvenile court may terminate dependency, delinquency, or transition jurisdiction over a nonminor dependent while the nonminor dependent is between 18 and 21 years of age. The juvenile court retains general jurisdiction over a nonminor dependent for purposes of a petition to modify a dependency court order. This bill would authorize the dependency court to order adult adoption as the permanent plan for a nonminor dependent, and to terminate its jurisdiction over a nonminor dependent following a final adult adoption. The bill would further authorize court-ordered family reunification services to continue for a nonminor dependent who attains 18 years of age during the review hearing time period until the next 6-month review hearing, if all parties agree that family reunification is in the best

interests of the nonminor dependent and that there is a substantial probability that the nonminor dependent will be returned home at or before the next review hearing. This bill would provide that the provision of these services would not affect the nonminor dependant's eligibility for extended foster care benefits. This bill would also make clarifying changes to reflect that the dependency court may retain jurisdiction over a nonminor in long-term foster care or a planned permanent living arrangement as a nonminor dependent. Existing law governs the placement of children who are or who may be Indian children, as specified. Existing law provides for tribal customary adoption as one placement option for Indian children in dependency proceedings. Additionally, existing law prohibits a dependency court from holding a hearing to terminate parental rights for a nonminor dependent. This bill would clarify that a dependency court may order tribal customary adoption as the permanent plan for a nonminor dependent who is an Indian child. Additionally, the bill would permit the dependency court to hold a hearing to terminate parental rights for a nonminor dependent who is an Indian child if tribal customary adoption is the permanent plan. Existing law requires county child welfare departments to determine whether, in specified dependency cases, it is in the best interests of the child or nonminor to have the case referred to the local child support agency for child support services. Existing law specifies that a nonminor dependent over 19 years of age is not a child for purposes of referral to the local child support agency. This bill would provide that a minor or nonminor dependent who has a minor child placed in the same facility is not a parent for purposes of referral to the local child support agency for collection or enforcement of child support. The bill would also clarify that these provisions apply in the case of voluntary placements and minor children placed with a minor or nonminor dependent parent. Existing law imposes parental liability for the cost of the care, support, and maintenance of a child in a county institution or other placement following a juvenile court order removing the child from the home or voluntary placement of the child in out-of-home care by the parent under specified circumstances. Under existing law, the local child support agency may petition the court for an order to show cause to recover those costs, unless the agency determines that it would not be appropriate or cost effective to do so. This bill would provide that a nonminor dependent who is a custodial or noncustodial parent of a child in a foster care placement, including voluntary foster care placement, is not financially liable for the cost of the care, support, and maintenance of the child. Funds are continuously appropriated from the General Fund to defray a portion of the state's share of costs under the CalWORKs program, the AFDC-FC program, and for the placement of hard-to-place adoptive children. This bill would instead, provide that the continuous appropriation would not be made for purposes of implementing the bill. This bill would authorize the State Department of Social Services to implement the bill by all-county letters or similar instructions, pending the adoption of regulations. The bill would require the department to consult with concerned stakeholders, as specified, in developing the regulations. This bill would incorporate additional changes in Section

11170 of the Penal Code proposed by AB 1707, to be operative only if AB 1707 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last. This bill would incorporate additional changes in Sections 317 and 16010 of the Welfare and Institutions Code proposed by AB 1909, to be operative only if AB 1909 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last. This bill would incorporate additional changes in Section 361 of the Welfare and Institutions Code proposed by SB 1064 and AB 2060 that would become operative only if either or both of these bills are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last. This bill would incorporate additional changes in Sections 361.5 and 16501.1 of the Welfare and Institutions Code proposed by SB 1064 and SB 1521 that would become operative only if either or both of these bills are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last. This bill would incorporate additional changes in Section 366 of the Welfare and Institutions Code proposed by AB 2209, to be operative only if AB 2209 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last. This bill would incorporate additional changes in Sections 366.21, 366.22, and 366.25 of the Welfare and Institutions Code proposed by SB 1064 and AB 2292 that would become operative only if either or both of these bills are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last. This bill would incorporate additional changes in Section 388 of the Welfare and Institutions Code proposed by SB 1064, to be operative only if SB 1064 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last.

AB 1713
Campos

Child abuse reporting

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. Existing law identifies commercial film and photographic print processors as mandated reporters, and requires any commercial film and photographic print processor who has knowledge of or observed in his or her professional capacity or employment any film, photograph, videotape, negative, or slide depicting a child under 16 years of age engaging in an act of sexual conduct to report the instance of suspected child abuse. This bill would expand the application of those provisions to commercial film and photographic print or image processors, as defined, and would also expand the list of media to which those provisions apply to include, among other things, any representation of information, data, or an image, as specified. This bill would also make technical, nonsubstantive changes and would update a cross-reference.

- AB 1731 *Juveniles: dependent children: placement*
Block Existing law provides for the Newborn and Infant Hearing Screening, Tracking, and Intervention program, under which general acute care hospitals with licensed perinatal services, as specified, are required to administer to newborns a hearing screening test for the identification of hearing loss, as prescribed, using protocols developed by the State Department of Health Care Services, or its designee. This bill would, beginning July 1, 2013, require a general acute care hospital that has a licensed perinatal service to offer to parents of a newborn, prior to discharge, a pulse oximetry test for the identification of critical congenital heart disease (CCHD), and would require the department to issue guidance stating that hospitals perform this test in a manner consistent with the federal Centers for Disease Control and Prevention guidelines for CCHD screening. This bill would require these hospitals to develop a CCHD screening program, as prescribed.
- AB 1817 *Child abuse reporting*
Atkins Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. Existing law requires any commercial film and photographic print processor who has knowledge of or observed in his or her professional capacity or employment any film, photograph, videotape, negative, or slide depicting a child under 16 years of age engaging in an act of sexual conduct to report the instance of suspected child abuse to a law enforcement agency, as specified. This bill would make these provisions apply to a commercial computer technician, as provided. The bill would provide that an employer who provides an electronic communications service or a remote computing service to the public would comply with this article by complying with a specified provision of existing federal law. The bill would provide that any commercial computer technician who provides a computer or computer component to an investigating law enforcement agency pursuant to a warrant shall have immunity from civil or criminal liability for providing that computer or computer component, as specified. The bill would also make technical, nonsubstantive changes and would update a cross-reference. This bill would make conforming changes. This bill would incorporate additional changes in Section 11165.7 of the Penal Code, proposed by AB 1434, AB 1435, AB 1713, and SB 1264, to be operative only if AB 1434, AB 1435, AB 1713, or SB 1264 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last. The bill would incorporate additional changes in Section 11166 of the Penal Code, proposed by AB 1713, to be operative only if AB 1713 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

- AB 2209 *Juveniles: dependent children: placement*
Hueso (1) Existing law provides for the removal of children who are unable to remain in the custody and care of their parent or parents. When a court orders the removal of a child, under existing law, the court is required to order the care, custody, control, and conduct of the child to be under the supervision of a social worker who may make certain placements for the child. Existing law requires the status of dependent children to be periodically reviewed, and requires the court to consider the safety of the child and make certain determinations, including the continuing necessity and appropriateness of a dependent child's placement. Existing law requires a placing agency to notify a dependent child's attorney, and to provide specified information, as soon as possible after making a decision with respect to the placement or change in placement of a dependent child. This bill would prohibit the placement of any dependent child with any person who is not a parent, outside the United States prior to a judicial finding that the placement, by clear and convincing evidence, is in the best interest of the child, except as required by federal law or treaty. The bill would require the party or agency requesting the placement of the child outside the United States to carry the burden of proof. The bill would also specify certain factors to be considered by the court when determining the best interest of the dependent child, including placement with a relative, placement of siblings in the same home, and the social, cultural, and educational needs of the dependent child.
- AB 2297 *California Retail Food Code: skilled nursing facilities: intermediate care facilities for the developmentally disabled*
Hayashi Existing law, 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 and is primarily enforced by local health agencies. A violation of any provision of the code is a misdemeanor. This bill would exclude from the definition of a retail food facility an intermediate care facility for the developmentally disabled, as defined, with a capacity of 6 beds or fewer. The bill would require an intermediate care facility for the developmentally disabled to notify the local health department and the State Department of Public Health within 24 hours of a foodborne illness or outbreak. By expanding the definition of a crime, this bill would impose a state-mandated local program. Existing law requires a person proposing to build or remodel a food facility to submit plans and specifications to the enforcement agency for review, and to receive plan approval before starting any new construction or remodeling of any facility for use as a retail food facility. This bill would, notwithstanding these provisions, require that the Office of Statewide Health Planning and Development (OSHPD) maintain its primary jurisdiction over licensed skilled nursing facilities, and would require, when new construction, modernization, or remodeling must be undertaken, that a facility complete a building application and plan check process as required by OSHPD. This bill would incorporate additional changes in Section 113789 of the Health and Safety Code, proposed by AB 1616, to be operative only if AB 1616 and this bill

are both chaptered and become effective January 1, 2013, and this bill is chaptered last.

SB 1064 *Child custody: immigration*

De Leon (1) Under existing law, a child who is removed from the physical custody of his or her parent or parents in dissolution, dependency, or probate guardianship proceedings may be placed with a parent, relative, legal guardian, or other specified persons or in specified placement homes or facilities. When a child is placed with his or her relative during dependency proceedings and the relative is not a licensed or certified foster parent, existing law requires a county social worker to visit the relative's home, prior to placing the child in that home, to ascertain the appropriateness of the placement. Existing law also requires the court or county social worker to initiate a state and federal criminal records check of the relative through the California Law Enforcement Telecommunications System as part of the assessment. This bill would permit a court to place a child in any of those proceedings with a parent, legal guardian, or relative regardless of the immigration status of the parent, legal guardian, or relative. This bill would also permit a relative's foreign consulate identification card or foreign passport to be used for initiating the criminal records and fingerprint clearance checks. To the extent this bill would impose additional duties on county welfare departments, this bill would create a state-mandated local program. (2) Existing law sets forth the procedure for terminating the parental rights of a dependent child, including regular review hearings before a court may order a hearing to terminate parental rights. Under existing law, a court may continue these review hearings if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian. This bill would authorize a court to extend the review hearing periods following consideration of the parent's circumstances if a parent has been arrested and issued an immigration hold, detained by the United States Department of Homeland Security, or deported to his or her country of origin, and, under these circumstances would authorize a court to continue the case only if the court finds that there is a substantial probability, as defined, that the child will be returned to the physical custody of his or her parent and safely maintained in the home within the extended time period or that reasonable services have not been provided to the parent or guardian. (3) Existing law establishes the State Department of Social Services, which oversees the administration of county public social services, including child welfare services. This bill would require the State Department of Social Services to provide guidance on best practices and to facilitate an exchange of information and best practices among counties on an annual basis, beginning no later than January 1, 2014, on establishing memoranda of understanding with foreign consulates in juvenile court cases, including procedures for contacting a consulate, accessing a child's documentation, locating a detained parent, assisting in family reunification after a parent has been deported, aiding

the safe transfer of a child to the parent's country of origin, and communicating with relevant departments and services in a parent's country of origin, and procedures to assist children in juvenile court cases who are eligible for special immigrant juvenile status and other specified visas. (4) The bill would change references in the above-described provisions from the United States Immigration and Customs Enforcement to the United States Department of Homeland Security, and would make other technical, nonsubstantive changes. (5) This bill would incorporate additional changes in Section 3040 of the Family Code proposed by SB 1476 that would become operative only if SB 1476 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last. (6) This bill would incorporate additional changes in Section 361 of the Welfare and Institutions Code proposed by AB 1712 and AB 2060 that would become operative only if either or both of those bills are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last. (7) This bill would incorporate additional changes in Section 361.2 of the Welfare and Institutions Code proposed by AB 2209 that would become operative only if AB 2209 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last. (8) This bill would incorporate additional changes in Sections 361.5 and 16501.1 of the Welfare and Institutions Code proposed by AB 1712 and SB 1521 that would become operative only if either or both of these bills are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last. (9) This bill would incorporate additional changes in Sections 366.21, 366.22, and 366.25 of the Welfare and Institutions Code proposed by AB 1712 and AB 2292 that would become operative only if either or both of these bills are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last. (10) This bill would incorporate additional changes in Section 388 of the Welfare and Institutions Code proposed by AB 1712 that would become operative only if AB 1712 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

SB 1186 *Disability access*

Steinberg

(1) Existing law requires an attorney to provide a written advisory to a building owner or tenant with each demand for money or complaint for any construction-related accessibility claim, as specified. A violation of this requirement may subject the attorney to disciplinary action. This bill would, instead, require an attorney to provide a written advisory with each demand letter or complaint, as defined, sent to or served upon a defendant or potential defendant for any construction-related accessibility claim, as specified. The bill would require the Judicial Council to update the form that may be used by attorneys to comply with this requirement on or before July 1, 2013. The bill would require an allegation of a construction-related accessibility claim in a demand letter or complaint to state facts sufficient to allow a reasonable person to identify the basis for the claim. The bill would require any complaint alleging a construction-related accessibility claim to be verified by the plaintiff,

and would make any complaint filed without verification subject to a motion to strike. The bill would prohibit a demand letter from including a request or demand for money or an offer or agreement to accept money. The bill also would prohibit an attorney, or other person acting at the direction of an attorney, from issuing a demand for money to a building owner or tenant, or an agent or employee of a building owner or tenant, on the basis of one or more construction-related accessibility violations, as specified. The bill would require an attorney to include his or her State Bar license number in a demand letter, and to submit copies of the demand letter to the California Commission on Disability Access and, until January 1, 2016, to the State Bar. The bill also would require, until January 1, 2016, an attorney to submit a copy of a complaint to the commission. The bill would provide that a violation of these requirements may subject the attorney to disciplinary action, as specified. This bill would require the commission to review and report on the demand letters and complaints it receives until January 1, 2016. The bill also would require the State Bar, commencing July 31, 2013, and annually each July 31 thereafter, to report specified information to the Legislature regarding the demand letters that it receives. (2) Existing law provides, upon being served with a summons and complaint asserting a construction-related accessibility claim, a qualified defendant, as defined, may file a request for a court stay and early evaluation conference in the proceedings, as specified. Existing law requires the Judicial Council to prepare and post on its Internet Web site instructions and a form for a qualified defendant to use to file an application for stay and early evaluation conference pursuant to this provision. This bill would permit other defendants to file a request for a court stay and early evaluation conference pursuant to this provision, including (A) a defendant, until January 1, 2018, whose site's new construction or improvement on or after January 1, 2008, and before January 1, 2016, was approved pursuant to the local building permit and inspection process, (B) a defendant whose site's new construction or improvement was approved by a local public building department inspector who is a certified access specialist, and (C) a defendant who is a small business, as described. The bill would require the Judicial Council to prepare and post a form for filing an application for stay and early evaluation conference for use by qualified defendants and these additional defendants, and any additional forms appropriate to implement these provisions, as specified. The bill also would authorize a defendant who does not qualify for an early evaluation conference pursuant to these provisions, or who forgoes those provisions, to request a mandatory evaluation conference, as specified. The bill would authorize a plaintiff to make that request if the defendant does not make that request. (3) Existing law provides statutory damages in a construction-related accessibility claim against a place of public accommodation if a violation of construction-related accessibility standards denied the plaintiff full and equal access to that site on a particular occasion. A plaintiff is denied full and equal access only if, on a particular occasion, the plaintiff personally encountered the violation or was deterred from accessing the site. These statutory damages are in the amount of actual damages and any additional amount determined by a

jury or the court up to a maximum of 3 times the amount of actual damages but not less than \$4,000, or, for certain violations, \$1,000. This bill would require the court, in assessing liability in any action alleging multiple claims for the same construction-related accessibility violation on different particular occasions, to consider the reasonableness of the plaintiff's conduct in light of the plaintiff's obligation, if any, to mitigate damages. The bill would reduce a defendant's minimum liability for statutory damages in a construction-related accessibility claim against a place of public accommodation to \$1,000 for each offense if the defendant has corrected all construction-related violations that are the basis of the claim within 60 days of being served with the complaint and other specified conditions apply, and would reduce that minimum liability to \$2,000 for each offense if the defendant has corrected all construction-related violations that are the basis of the claim within 30 days of being served with the complaint and the defendant is a small business, as specified. The bill would require the Department of General Services to make a biannual adjustment to financial criteria defining a small business for these purposes, and to post those adjusted amounts on its Internet Web site. (4) Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. Existing law provides for the inspection of places of public accommodation by certified access specialists to determine if the sites meet all applicable construction-related accessibility standards, and the provision of specified certificates and reports regarding those inspections. Existing law regulates the hiring of real property. This bill would require a commercial property owner to state on a lease form or rental agreement executed on or after July 1, 2013, if the property being leased or rented has undergone inspection by a certified access specialist. (5) The federal Americans with Disabilities Act of 1990 and the California Building Standards Code require that specified buildings, structures, and facilities be accessible to, and usable by, persons with disabilities. Existing law establishes in the Department of General Services, the Division of the State Architect with responsibilities relating to architectural services, state buildings, and disability access. Existing law requires the State Architect to establish a certified access specialist program for voluntary certification by the state of any person who meets specified criteria as a certified access specialist. Existing law authorizes the State Architect to require applicants for certification and renewal of certification under the certified access specialist program to pay specified fees, including an application fee, a course fee, and an examination fee, at a level sufficient to meet the costs of administering the program, for deposit into the Certified Access Specialist Fund. In administering the certified access specialist program, this bill would require the State Architect to periodically review its schedule of fees for certification under the program to ensure that the fees are not excessive. The bill would prohibit the State Architect from charging a California licensed architect, landscape architect, civil engineer, or structural engineer, an application fee for certification that exceeds \$250. This bill would impose, on

and after January 1, 2013, and until December 31, 2018, an additional state fee of \$1 on any applicant for a local business license or equivalent instrument or permit, or renewal thereof, for purposes of increasing disability access and compliance with construction-related accessibility requirements and developing educational resources for businesses to facilitate compliance with federal and state disability laws, as specified. The bill would divide those moneys for the state between the local entity that collected the moneys and the Division of the State Architect, pursuant to specified percentages. The bill would create a continuously appropriated fund, the Disability Access and Education Revolving Fund, for the deposit of funds to be transferred to the Division of the State Architect, thereby making an appropriation. The bill would make an appropriation by authorizing local government entities to retain 70% of the fees imposed. By adding to the duties of a local entity, this bill would impose a state-mandated local program. (6) Existing law establishes the California Commission on Disability Access for purposes of developing recommendations to enable persons with disabilities to exercise their right to full and equal access to public facilities and facilitating business compliance with the laws and regulations to avoid unnecessary litigation. Existing law sets forth the powers and duties of the commission, as specified. Existing law requires the commission to study and make reports to the Legislature regarding disability access laws and compliance, as specified. Existing law requires the commission to act as an information center on the status of compliance with disability access laws, to publish a biennial report, and to coordinate with other state agencies and local building departments to ensure the uniformity of information provided to the public on disability access. This bill would revise and recast those duties and powers, as specified, and eliminate the biennial reporting requirement. The bill would instead provide that a priority of the commission shall be the development and dissemination of educational materials and information to promote and facilitate disability access compliance, including a requirement that the commission work with the Division of the State Architect and the Department of Rehabilitation to develop educational materials for use by businesses. The bill would require the commission to post specified information on its Internet Web site, including, but not limited to, educational materials and information that will assist business owners. The bill would require the commission to report to the Legislature on its implementation by a specified date. The bill would require the commission to compile data with respect to any demand letter or complaint sent to the commission and post that information on its Internet Web site. (7) Existing law, the California Building Standards Law, requires a state agency responsible for the adoption of building standards to submit its standards to the California Building Standards Commission for review and approval, subject to specified procedures and a triennial code adoption cycle. Existing law requires the commission to codify and publish approved standards in the California Building Code, as set forth in Title 24 of the California Code of Regulations. Existing law provides that building standards become effective 180 days after its publication, as specified. This bill would provide, for the

purpose of an alleged violation of a construction-related accessibility standard, that upon publication of the 2013 California Building Standards Code, but prior to its effective date, as specified, compliance with the building standards for disabled accessibility in the 2013 California Building Standards Code is authorized as an alternative method of compliance.

SB 1264 *Child abuse reporting: mandated reporters*
Vargas Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of \$1,000, or by both. This bill would include in the list of individuals who are mandated reporters any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching at a public or private postsecondary institution. By imposing the mandated reporting requirement on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program. This bill would incorporate additional changes in Section 11165.7 of the Penal Code, proposed by AB 1434, AB 1435, AB 1713, and AB 1817, to be operative only if AB 1434, AB 1435, AB 1713, or AB 1817 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

Public Health Administration

AB 174 *Office of Systems Integration: California Health and Human Services Automation*
Monning *Fund*

Existing law establishes the Office of Systems Integration and requires that office to implement a statewide automated welfare system for specified public assistance programs. This bill would establish the California Health and Human Services Automation Fund within the State Treasury and would, upon appropriation by the Legislature, expend specified moneys deposited into the fund for services rendered by the office. Certain funds would only be transferred to the fund upon order of the Department of Finance, as specified. Existing law provides that it is a misdemeanor for the Franchise Tax Board or specified state employees to disclose or make known any information in a return, report, or document filed under the Administration of Franchise and Income Tax Laws, but authorizes the Franchise Tax Board to disclose this information to specified agencies for specified purposes. This bill would authorize the Franchise Tax Board, upon request, to disclose to the California Health Benefit Exchange, the State Department of Health Care Services, the Managed Risk Medical Insurance Board, and county departments and agencies, returns or return information to verify or determine eligibility of an individual for Medi-Cal benefits, the Healthy Families Program, the Access for Infants and Mothers Program, health benefits, tax credits, health insurance subsidies, or cost-sharing reductions through the exchange. Existing law provides for the payment of unemployment compensation benefits to eligible unemployed individuals, and requires the Employment Development Department to implement and administer the unemployment insurance system in the state. Existing law requires each employer to file with the department a report of wages paid to his or her workers and to furnish to each employee a written statement showing, among other things, the total amount of wages, and total wages subject to personal income tax, as provided. Existing law also requires each employer to file with the department specified information on new employees, and authorizes the use of that information for specified purposes including, among other things, administration of the law regarding unemployment compensation benefits. Existing law provides that a person who knowingly accesses, uses, or discloses confidential information without authorization is guilty of a misdemeanor. This bill would also authorize the Employment Development Department to provide employer or employee information to the State Department of Health Care Services, the California Health Benefit Exchange, the Managed Risk Medical Insurance Board, and county departments and agencies for specified purposes. By expanding the crime of knowingly and wrongfully accessing, using, or disclosing specified information, this bill would impose a state-mandated local program. Under existing law, the information obtained in the administration of the Unemployment Insurance Law is for the exclusive use and information of the Director of Employment Development in the discharge of his or her duties and is not open to the public. However, existing law requires the director to permit

the use of specified information for specified purposes, and allows the director to require reimbursement for direct costs incurred. Existing law provides that a person who knowingly accesses, uses, or discloses this confidential information without authorization is guilty of a misdemeanor. This bill would require the Director of Employment Development to enable the State Department of Health Care Services, the California Health Benefit Exchange, the Managed Risk Medical Insurance Board, and county departments and agencies to obtain information regarding employee wages, California employer account numbers, employer reports of wages, and number of employees, and disability insurance and unemployment insurance claim information for specified purposes. This bill would incorporate additional changes in Section 1088.5 of the Unemployment Insurance Code, proposed by AB 1794 and AB 1845, that would become operative only if this bill and either or both of those bills are chaptered and become effective January 1, 2013, and this bill is chaptered last. This bill would incorporate additional changes in Section 1095 of the Unemployment Insurance Code, proposed by SB 691 and SB 1258 that would become operative only if this bill and either or both of those bills are chaptered and become effective January 1, 2013, and this bill is chaptered last.

AB 510 *Radiation control: health facilities and clinics: records*

Lowenthal Under existing law, the State Department of Public Health licenses and regulates health facilities and clinics, as defined. Under the existing 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. Existing law, commencing July 1, 2012, requires that a facility using a computed tomography (CT) X-ray system record the dose of radiation on every CT study produced. Existing law requires that the displayed dose of radiation be verified annually by a medical physicist to ensure the accuracy of the displayed dose unless the facility is accredited. Violations of these provisions are a crime. This bill would require the facility to record the dose of radiation on every diagnostic CT study in each patient's record and would exempt the dose of radiation in specified CT studies from having to be recorded. This bill would delete the exemption for accredited facilities and would authorize a facility with an accredited CT X-ray system to elect not to annually verify the displayed dose of radiation, as specified. Because accredited facilities could now be subject to these provisions, and because a violation of these provisions is a crime, the bill would impose a state-mandated local program by expanding the scope of a crime. The bill also would require the dose to be verified for the facility's standard adult brain, adult abdomen, and pediatric brain protocols. Existing law, commencing July 1, 2013, requires facilities that furnish CT X-ray services to be accredited by an approved organization, as specified. This bill instead would require CT X-ray systems, with specified exceptions, to be accredited by an approved organization, as specified. Existing law, commencing July 1, 2012, requires a facility to report the discovery of certain information about an event in which the

administration of radiation results in prescribed occurrences, including the CT X-ray irradiation of an area of the body other than that intended, within 5 business days of the discovery of the event, to the department and the patient's referring physician. This bill would instead require a facility to report a CT X-ray examination for any individual for whom a physician did not provide approval for the examination, as well as a CT X-ray examination that does not include the intended area of the body, if specified dose values are exceeded. This bill would require that these reports be made within 5 business days of the discovery of a therapeutic event and within 10 business days of the discovery of a CT event. The bill would also make technical and clarifying changes.

AB 1867 *Health facilities: equipment standards*

Pan Existing law, to become operative 36 months after specified prescribed standards are published, or January 1, 2014, whichever occurs first, prohibits certain health facilities from using an epidural connection that would fit into a connection port other than the type for which it was intended, unless an emergency or urgent situation exists and the prohibition impairs the ability to provide health care. Existing law, to become operative 24 months after specified prescribed standards are published, or January 1, 2013, whichever occurs first, prohibits these health facilities from using an intravenous or enteral connection that would fit into a connection port other than the type for which it was intended, unless an emergency or urgent situation exists and the prohibition impairs the ability to provide health care. Existing law requires the Advanced Medical Technology Association to report annually to the Legislature on the progress of the development of those standards. Violation of these provisions is a misdemeanor. This bill would revise the prohibitions to instead become operative on January 1, 2016, and to refer to epidural, intravenous, and enteral connectors.

AB 2348 *Registered nurses: dispensation of drugs*

Mitchell Existing law, the Nursing Practice Act, authorizes a registered nurse to dispense drugs or devices upon an order by a licensed physician and surgeon if the nurse is functioning within a specified clinic. This bill would, in addition, authorize a registered nurse to dispense specified drugs or devices upon an order issued by a certified nurse-midwife, nurse practitioner, or physician assistant if the nurse is functioning within a specified clinic. The bill would also authorize a registered nurse to dispense or administer hormonal contraceptives in strict adherence to specified standardized procedures.

SB 98 *Nursing*

Committee Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses. The Board of Registered Nursing, which was repealed on On Budget January 1, 2012, administered the provisions of that act. This bill would and Fiscal Review establish a new Board of Registered Nursing, would vest that board with the same powers as the previous board of the same name, and would require the

board to appoint an executive officer. The bill would repeal the authority of the board and its executive officer on January 1, 2016. The bill would require the executive officer of the prior board to serve as interim executive officer of the new board until the appointment of a permanent executive officer, as specified. The bill would also ratify and declare valid a specified interagency agreement entered into between the Board of Registered Nursing and the director of the department and would enact other related provisions. Existing law requires that the board consist of 2 public members and 5 licensees appointed by the Governor, one public member appointed by the Senate Committee on Rules, and one public member appointed by the Speaker of the Assembly. Under existing law, all appointments to the board are for a term of 4 years. This bill would require that one of the initial public members appointed by the Governor serve a term of one year, that the other public member initially appointed by the Governor serve a term of 5 years, that the initial licensed members serve terms of 2, 3, or 4 years, as specified, and that the initial public members appointed by the Senate Committee on Rules and the Speaker of the Assembly serve terms of 4 years. The bill would appropriate specified sums from the Board of Registered Nursing Fund to the Board of Registered Nursing for purposes of administering the Nursing Practice Act. This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

- SB 804 *Health care districts: transfers of assets*
Corbett Existing law authorizes a health care district to transfer, for the benefit of the communities served by the district, in the absence of adequate consideration, any part of the assets of the district to one or more nonprofit corporations to operate and maintain the assets. Existing law deems a transfer of 50% or more of the district's assets to be for the benefit of the communities served only upon the occurrence of specified conditions. This bill would include among the above-described conditions the inclusion within the transfer agreement of the appraised fair market value of any asset transferred to the nonprofit corporation, as specified. Existing law requires the board, by resolution, to submit a measure to the voters of the district for approval, prior to the transfer of 50% or more of the district's assets. This bill would require the resolution to include specified information.
- SB 863 *Workers' compensation*
De Leon Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. (1) Existing law establishes certain requirements relating to qualified medical evaluators who perform the evaluation of medical-legal issues. This bill would modify the requirements of a qualified medical evaluator with respect to doctors of chiropractic, and would prohibit a qualified medical evaluator from conducting qualified medical evaluations at more than 10 locations. (2) Existing law provides that it is unlawful for a physician to refer a

person for specified medical goods or services, whether for treatment or medical-legal purposes, if the physician or his or her immediate family has a financial interest with the person or in the entity that receives the referral, except as specified. This bill would additionally prohibit, except as specified, an interested party, as defined, from referring a person for certain services relating to workers' compensation provided by another entity, if the interested party has a financial interest in the other entity, as defined. The bill would provide that a violation of these provisions is a misdemeanor, and would authorize civil penalties of up to \$15,000 for each offense. By creating a new crime, this bill would impose a state-mandated local program. (3) Existing law establishes the Workers' Compensation Administration Revolving Fund for the administration of the workers' compensation program, and other specified purposes. This bill would establish in the Department of Industrial Relations a return-to-work program, to be funded by non-General Fund revenues of one hundred twenty million dollars \$120,000,000 that the bill would annually appropriate from the Workers' Compensation Administration Revolving Fund. (4) Existing law requires the Department of Industrial Relations and the courts of this state, except as provided, to recognize as valid and binding any labor-management agreement that meets certain requirements. Existing law applies this recognition only in relation to employers that meet specified requirements. This bill would add the State of California to the list of authorized employers for these purposes. (5) Existing law authorizes an employer to secure the payment of workers' compensation by securing from the Director of Industrial Relations a certificate of consent to self-insure either as an individual employer or as one employer in a group of employers upon furnishing proof satisfactory to the director of the ability to self-insure and to pay any compensation that may become due to employees. This bill would change the amount of a prescribed security deposit required of private self-insured employers, would delete a related audit requirement, and would, commencing January 1, 2013, prohibit a certificate of consent to self-insure from being issued to specified employers. This bill would require public self-insured employers to provide certain information to the director, and would require the Commission on Health and Safety and Workers' Compensation to conduct an examination of the public self-insured program, and to publish a preliminary and final report on its Internet Web site, as specified. Existing law requires that the cost of administration of the public self-insured program be a General Fund item. This bill would instead require that the cost be borne by the Workers' Compensation Administration Revolving Fund. Existing law establishes the Self-Insurers' Security Fund for purposes related to the payment of the workers' compensation obligations of self-insurers. This bill would revise the composition of the board of trustees of the Self-Insurers' Security Fund, would revise duties of the Self-Insurers' Security Fund, and would make related changes. (6) Existing law establishes certain procedures that govern the determination of an employee's eligibility for permanent disability indemnity commencing with the final payment of the employee's temporary disability indemnity. This bill would revise and recast these provisions. (7) Existing law

establishes procedures for the resolution of disputes regarding the compensability of an injury. Existing law prescribes certain requirements relating to recommendations regarding spinal surgery. This bill would delete the provisions relating to spinal surgery. Existing law prescribes a specified procedure that governs dispute resolution relating to injuries occurring on or after January 1, 2005, when the employee is represented by an attorney. This procedure includes various requirements relating to the selection of agreed medical evaluators. This bill would revise and recast these provisions. (8) Existing law provides certain methods for determining workers' compensation benefits payable to a worker or his or her dependents for purposes of temporary disability, permanent total disability, permanent partial disability, and in case of death. This bill would revise the method for determining benefits for purposes of permanent partial disability for injuries occurring on or after January 1, 2013, and on or after January 1, 2014. This bill would provide, prior to an award of permanent disability indemnity, that no permanent disability indemnity payment be required if the employer has offered the employee a position that pays at least 85% of the wages and compensation paid to the employee at the time of injury, or if the employee is employed in a position that pays at least 100% of the wages and compensation paid to the employee at the time of injury, as specified. This bill would revise the method for determining benefits for purposes of permanent disability for injuries occurring on or after January 1, 2013. This bill would revise the amount of the award for burial expenses. Existing law, for injuries that cause permanent partial disability and occur on or after January 1, 2004, provides supplemental job displacement benefits in the form of a nontransferable voucher for education-related retraining or skill enhancement for an injured employee who does not return to work for the employer within 60 days of the termination of temporary disability, in accordance with a prescribed schedule based on the percentage of an injured employee's disability. Existing law provides an exception for employers who meet specified criteria. This bill would provide that the above provisions shall apply to injuries occurring on or after January 1, 2004, and before January 1, 2013. This bill would provide, for injuries that cause permanent partial disability and occur on or after January 1, 2013, for a supplemental job displacement benefit in the form of a voucher for up to \$6,000 to cover various education-related retraining and skill enhancement expenses, as specified, which would expire 2 years after the date the voucher is furnished to the employee or 5 years after the date of injury, whichever is later. The bill would exempt employers who make an offer of employment, as specified, from providing vouchers. Existing law requires that, in determining the percentages of permanent disability, account be taken of the nature of the injury, the occupation of the injured employee, and his or her age at the time of the injury, and requires that specified factors be considered in determining an employee's diminished earning capacity for these purposes. This bill would provide that the above provisions shall apply to injuries occurring before January 1, 2013. This bill would, for injuries occurring on or after January 1, 2013, revise the factors to be considered in determining impairment and

disability ratings for these purposes. (9) Existing law requires an employer to provide all medical services reasonably required to cure or relieve the injured worker from the effects of the injury. This bill would limit the provision of home health care services as medical treatment to specified circumstances. (10) Existing law generally provides for the reimbursement of medical providers for services rendered in connection with the treatment of a worker's injury. This bill would revise and recast these provisions, and would establish certain procedures to govern billing procedures and disputes. (11) Existing law requires every employer to establish a medical treatment utilization review process, in compliance with specified requirements, either directly or through its insurer or an entity with which the employer or insurer contracts for these services. This bill would require the administrative director to contract with one or more independent medical review organizations and one or more independent bill review organizations to conduct reviews in accordance with specified criteria. The bill would require that the independent review organizations retained to conduct reviews meet specified criteria and comply with specified requirements. The bill would require that final determinations made pursuant to the independent bill review and independent medical review processes be presumed to be correct and be set aside only as specified. The independent medical review process established by the bill would be used to resolve disputes over a utilization review decision for injuries occurring on or after January 1, 2013, and for any decision that is communicated to the requesting physician on or after July 1, 2013, regardless of the date of injury. The bill would require an independent medical review organization to conduct the review in accordance with specified provisions, and would limit this review to an examination of the medical necessity of the disputed medical treatment. The bill would prohibit an employer from engaging in any conduct that delays the medical review process, and would authorize the administrative director to levy certain administrative penalties in connection with this prohibition, to be deposited in the Workers' Compensation Administration Revolving Fund. The bill would require that the costs of independent medical review and the administration of the independent medical review system be borne by employers through a fee system established by the administrative director. (12) Existing law authorizes an insurer or employer to establish or modify a medical provider network for the provision of medical treatment to injured employees. This bill, commencing January 1, 2014, would require that a treating physician be included in the network only if the physician or authorized employee of the physician gives a separate written acknowledgment that the physician is a member of the network, and would require every medical provider network to include one or more persons employed as medical access assistants to help an injured employee find an available physician and assist employees in scheduling appointments. Existing law requires an employer or insurer to submit a plan for the medical provider network to the administrative director for approval. This bill, commencing January 1, 2014, would require that existing approved plans be deemed approved for a period of 4 years from the most recent application or

modification approval date. The bill would authorize any person contending that a medical provider network is not validly constituted to petition the administrative director to suspend or revoke the approval of the medical provider network. The bill would authorize the administrative director to adopt regulations establishing a schedule of administrative penalties, not to exceed \$5,000 per violation, or probation, or both, in lieu of revocation or suspension. (13) Existing law requires an employer to pay medical-legal expenses for which the employer is liable in accordance with specified provisions. This bill would establish a secondary review process to govern billing disputes relating to medical-legal expenses. (14) Existing law authorizes the Workers' Compensation Appeals Board to determine and allow specified expenses as liens against any sum to be paid as compensation. This bill would revise procedures relating to liens, including requiring that any payment of a lien for the reasonable expenses incurred by an injured employee be made only to the person who was entitled to payment for the expenses at the time the expenses were incurred, and not to an assignee, except as specified. The bill would require that certain documentation relating to a lien filing include certain declarations made under penalty of perjury. By expanding the crime of perjury, this bill would impose a state-mandated local program. This bill would require that all liens filed on or after January 1, 2013, for certain expenses, be subject to a filing fee, and that all liens and costs that were filed as liens, filed before January 1, 2013, for certain expenses, be subject to an activation fee, except as specified. The bill would dismiss by operation of law on January 1, 2014, all liens and costs filed as liens for which the filing fee or activation fee is not paid. This bill would require that all fees collected pursuant to these provisions be deposited in the Workers' Compensation Administration Revolving Fund. This bill would provide for the reimbursement of a lien filing fee or lien activation fee under specified circumstances. This bill would make related changes with respect to liens. (15) Existing law requires the administrative director, after public hearings, to adopt and revise periodically an official medical fee schedule that establishes reasonable maximum fees paid for medical services, other than physician services, and other prescribed goods and services in accordance with specified requirements. This bill would require the administrative director, after public hearings, to adopt and review periodically an official medical fee schedule based on the resource-based relative value scale for physician services and nonphysician practitioner services, as defined by the administrative director, in accordance with specified requirements. The bill would require, commencing January 1, 2014, and until the time the administrative director has adopted an official medical fee schedule in accordance with the resource-based relative value scale, that the maximum reasonable fees for physician services and nonphysician practitioner services be in accordance with the fee-related structure and rules of the Medicare payment system for physician services, and that the fees include specified conversion factors. This bill would require the administrative director, on or before July 1, 2013, to adopt, after public hearings, a schedule for payment of home health care services that are not otherwise covered, as

specified. This bill would require the administrative director, on or before December 31, 2013, in consultation with the Commission on Health and Safety and Workers' Compensation, to adopt, after public hearings, a schedule of reasonable maximum fees payable for copy and related services. (16) Existing law authorizes the appeals board to receive as evidence and use as proof of any fact in dispute various reports and publications. This bill would add reports of vocational experts, as specified. (17) Existing law provides for the reimbursement of specified expenses for a deponent in connection with a deposition requested by the employer or insurer. This bill would require the employer to pay for the services of a language interpreter if interpretation services are required because the injured employee or deponent does not proficiently speak or understand the English language. (18) Existing law requires the State Personnel Board to establish, maintain, administer, and publish annually an updated list of certified administrative hearing interpreters and medical examination interpreters it has determined meet certain minimum standards. This bill would also authorize the administrative director or an independent organization designated by the administrative director to establish, maintain, administer, and publish annually an updated list of certified administrative hearing interpreters who, based on testing by an independent organization designated by the administrative director, have been determined to meet certain minimum standards, for purposes of certain workers' compensation proceedings and medical examinations. This bill would require a reasonable fee to be collected from each interpreter seeking certification, to cover the reasonable regulatory costs of administering the program. (19) This bill would delete certain reporting requirements, delete obsolete provisions, and make conforming and clarifying changes. (20) This bill would incorporate additional changes in Section 4903.1 of the Labor Code proposed by SB 1105 that would become operative only if SB 1105 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

SB 1410 *Independent medical review*

Hernandez Existing law provides for licensing and regulation of health care service plans by the Department of Managed Health Care. Existing law provides for licensing and regulation of health insurers by the Insurance Commissioner. Existing law requires the department and the commissioner to establish an independent medical review system under which a patient may seek an independent medical review whenever health care services have been denied, modified, or delayed by a health care service plan or health insurer and the patient has previously filed a grievance that remains unresolved after 30 days. Existing law requires medical professionals selected by an independent medical review organization to review medical treatment decisions to meet certain minimum requirements, including that the medical professional be a clinician knowledgeable in the treatment of the patient's medical condition, knowledgeable about the proposed treatment, and familiar with guidelines and protocols in the area of treatment under review. Existing law requires a plan or

insurer to provide a one-page application form to an enrollee or insured to be used to initiate a review pursuant to these provisions. This bill would make certain changes to requirements applicable to an independent medical review organization, effective on July 1, 2015. The bill would require the medical professional to be a clinician expert in the treatment of the enrollee's medical condition and knowledgeable about the proposed treatment through recent or current actual clinical experience treating patients with the same or similar condition. The bill would require the application form provided to an enrollee or insured seeking independent review to be one or 2 pages and to include a section designed to collect information on the enrollee's or insured's ethnicity, race, and primary language spoken, which would be provided at the option of the enrollee or insured and used only for statistical purposes. Existing law requires the Director of Managed Health Care and the Insurance Commissioner to adopt the determination of an independent medical review organization as a director or commissioner decision. Existing law requires the decisions to be made available, on request, to the public at cost. Existing law requires certain information to be removed from the decision, including the name of the health plan. This bill would require the decisions to be made available at no charge in a searchable database on the Internet Web site of the Department of Managed Health Care or the Department of Insurance, as applicable, and would require the databases to include other specified information. These requirements would also become effective on July 1, 2015.

SB 1524 *Nursing*

Hernandez Existing law, the Nursing Practice Act, provides for the licensure and regulation of the practice of nursing by the Board of Registered Nursing. Existing law authorizes a nurse practitioner and a certified nurse-midwife to furnish or order drugs or devices under specified circumstances subject to physician and surgeon supervision, including, among other instances, when a nurse practitioner or certified nurse-midwife has completed specified supervised experience of at least 6 months' duration and a course in pharmacology. This bill would delete the requirement for at least 6 months' duration of supervised experience. The bill would authorize a physician and surgeon to determine the extent of the supervision in connection with the furnishing or ordering of drugs and devices by a nurse practitioner or certified nurse-midwife.

SCR 47 *Health in All Policies*

DeSaulnier This measure would, among other things, request that the Strategic Growth Council and the member agencies, departments, and offices of the Health in All Policies Task Force, as established by Executive Order S-04-10, provide leadership on implementing the recommendations put forth in the Health in All Policies Task Force Report, and would encourage interdepartmental collaboration with an emphasis on the complex environmental factors that contribute to poor health and inequities when developing policies.

Criminal Justice

- AB 526 *Delinquency and gang intervention and prevention grants: evidence-based*
Dickinson *principles and practices*
Existing law, commencing July 1, 2012, establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, including addressing gang problems. Existing law requires the board to annually review, approve, and revise, if necessary, the comprehensive state plan for the improvement of criminal justice and delinquency and gang prevention activities throughout the state, establish priorities for the use of available federal funds, and approve the expenditure of all funds pursuant to the plans or federal acts. This bill would require the board to identify delinquency and gang intervention and prevention grant funds and programs for the purpose of consolidating those grant funds and programs and moving toward a unified single delinquency intervention and prevention grant application process in adherence with all applicable federal guidelines and mandates. The bill would require the board to develop incentives for units of local government to develop comprehensive regional partnerships in order to deliver services to a broader target population and maximize the impact of state funds at the local level. The bill would also require, by January 1, 2014, the board to develop funding allocation policies to ensure that within 3 years no less than 70% of funding for gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices. The bill would specify that its provisions do not include funds already designated to the Local Revenue Fund 2011 pursuant to other sections of law.
- AB 593 *Domestic violence: battering: recall and resentencing*
Ma Existing law authorizes every person who is unlawfully imprisoned or restrained of his or her liberty to prosecute a writ of habeas corpus to inquire into the cause of that imprisonment or restraint. Existing law also provides, until January 1, 2020, that a writ of habeas corpus may be prosecuted on the basis that expert testimony relating to intimate partner battering and its effects was not received in evidence at the trial court proceedings relating to a prisoner's incarceration for the commission of a violent felony committed prior to August 29, 1996, if there is a reasonable probability, sufficient to undermine confidence in the judgment of conviction, that if the testimony had been admitted, the result of the proceedings would have been different. This bill would make the provisions for a writ of habeas corpus based on intimate partner battering operative indefinitely. The bill would instead provide that a writ of habeas corpus based on intimate partner battering may also be prosecuted if competent and substantial expert testimony relating to intimate partner battering and its effects was not presented to the trier of fact at the trial court proceedings, and is of such substance that, had it been presented,

there is a reasonable probability, sufficient to undermine confidence in the judgment of conviction or sentence, the result of the proceedings would have been different, and that the burden of proof in this regard is on the petitioner. The bill would specify that if a petitioner presented to the trier of fact expert testimony relating to intimate partner battering and its effects that was not competent or substantial, having presented that evidence would not be a bar to granting the petition.

AB 2015
Mitchell

Criminal procedure: telephone calls: arrested custodial parents

Under existing law, immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls, as specified. Existing law requires that a sign informing the arrestee of this right be posted in a conspicuous place. Under existing law, if the arrested person is identified as a custodial parent with responsibility for a minor child, the arrested person is entitled to make 2 additional calls for the purpose of arranging for the care of the minor child or children in the parent's absence, as specified. This bill would require the arresting or booking officer to inquire as to whether the arrested person is a custodial parent with responsibility for a minor child as soon as practicable upon arrest but, except where physically impossible, no later than 3 hours after arrest. The bill would require the booking officer or arresting officer to inform the person that he or she is entitled to, and may request to, make 2 additional telephone calls to arrange for care of a minor child, as provided, and would require a sign to be posted in a conspicuous place informing the arrestee that, if he or she is a custodial parent, he or she has the right to make the additional telephone calls. The bill would require that the signs informing the arrestee of his or her right to make telephone calls be made in English and any non-English language spoken by a substantial number of the public who are served by the police facility or place of detainment, as provided. The bill would state that the rights and duties provided by these provisions shall be enforced regardless of the arrestee's immigration status. By imposing new duties on local agencies, this bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Economic Development and Income

SB 1402 *Economic development: California Community Colleges Economic Workforce
Lieu Development Program*

Existing law, until January 1, 2013, establishes the California Community Colleges Economic and Workforce Development Program. Existing law provides for the awarding of grants for this program, and provides that this program shall only be implemented during fiscal years for which funds are appropriated for these purposes. Existing law requires the Board of Governors of the California Community Colleges, as part of the program, to assist economic and workforce regional development centers and consortia to improve linkages and career-technical education pathways between high schools and community colleges, in a manner that, among other things, improves the quality of career exploration and career outreach materials. Existing law also requires the Chancellor of the California Community Colleges to develop an implementation strategy for achieving this goal, as specified. The program also includes a job development incentive training component and provisions requiring the implementation of accountability measures and an independent evaluation relating to the program. This bill would generally recast and revise the provisions governing the California Community Colleges Economic and Workforce Development Program that would be repealed by existing law on January 1, 2013, excluding the provisions relating to the economic and workforce regional development centers and consortia, and would establish a revised program that would operate until January 1, 2018.

Education**AB 1575** *Pupil fees*

Lara (1) Existing law requires the Legislature to provide for a system of common schools by which a free school is required to be kept up and supported in each district. Existing law prohibits a pupil enrolled in school from being required to pay a fee, deposit, or other charge not specifically authorized by law. This bill would prohibit a pupil enrolled in a public school from being required to pay a pupil fee, as defined, for participation in an educational activity, as defined, as specified. The bill would provide that this prohibition is not to be interpreted to prohibit solicitation of voluntary donations, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. The bill would specify that these provisions apply to all public schools, including, but not limited to, charter schools and alternative schools, are declarative of existing law, and should not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law. The bill would require the State Department of Education, commencing with the 2014-15 fiscal year, and every 3 years thereafter, to develop and distribute guidance for county superintendents of schools, district superintendents, and charter school administrators regarding the imposition of pupil fees for participation in educational activities in public schools. The bill would require the department to post the guidance on its Internet Web site and would provide that the guidance does not constitute a regulation subject to specified law. (2) Existing regulations establish uniform complaint procedures that require each local educational agency to adopt policies and procedures for the investigation and resolution of complaints regarding violations of state and federal laws and regulations governing educational programs. This bill would authorize a complaint of noncompliance with the provisions of this bill to be filed with the principal of a school under those uniform complaint procedures. The bill would authorize a complaint to be filed anonymously if specified circumstances exist. The bill would authorize a complainant not satisfied with a public school's decision to appeal that decision to the State Department of Education and receive a written appeal decision within 60 days of the department's receipt of the appeal. If merit is found in either the complaint or appeal, the bill would require the public school to provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the public school to ensure full reimbursement. The bill would require information regarding the requirements of this bill to be included in a specified annual notification. The bill would require public schools to establish local policies and procedures to implement these complaint procedures by March 1, 2013.

AB 1909 *Foster children: placement: suspension and expulsion: notifications*

Ammiano (1) Existing law requires each local educational agency to designate a staff person as the educational liaison for foster children, as defined. Existing law

requires the educational liaison to ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and to assist foster children when transferring from one school to another school or from one school district to another school district in ensuring the proper transfer of credits, records, and grades. This bill would require the educational liaison, if designated by the superintendent of the local educational agency, to notify the foster child's attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act, pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act, and, if the foster child is an individual with exceptional needs, pending manifestation determinations, as specified. This bill would authorize the foster child's caregiver or other person holding the right to make educational decisions for the child to provide the contact information of the child's attorney to the child's school district when the child has been placed outside of the county of jurisdiction for the child. (2) Existing law authorizes the district superintendent of schools or other person designated by the district superintendent of schools in writing to extend the suspension of a pupil until the governing board of the school district has rendered a decision in a case where expulsion from any school or suspension from the balance of the semester from continuation school is being processed by the governing board of the school district. Existing law requires that before such an extension is granted that the district superintendent of schools or the district superintendent's designee determine, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. This bill would require, if the pupil is a foster child, as defined, the district superintendent of schools or the district superintendent's designee to invite the pupil's attorney and the appropriate representative of the county child welfare agency to that meeting. (3) Existing law authorizes the suspension or expulsion of an individual with exceptional needs in accordance with specified provisions. This bill would require, if the individual with exceptional needs is a foster child, as defined, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and the appropriate representative of the county child welfare agency to be invited to participate in the individualized education program team meeting that makes a manifestation determination. The bill would authorize that invitation to be made using the most cost-effective method possible. (4) Existing law requires the governing board of each school district to establish rules and regulations governing procedures for the expulsion of pupils and requires these procedures to include, but not necessarily be limited to, a hearing to determine whether the pupil should be expelled, and a written notice of the hearing forwarded to the pupil at least 10 calendar days prior to

the date of the hearing. This bill would require, if the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined, the governing board of the school district also to provide notice of the hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The bill would authorize, if a recommendation of expulsion is required and the pupil is a foster child, the governing board of the school district also to provide the notice of the hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The bill would authorize these notices to be made using the most cost-effective method possible. (5) Existing law requires a juvenile court to hold a detention hearing to determine whether a minor should be further detained when a minor has been taken into custody pursuant to specified provisions. Existing law also requires a court to appoint counsel for the child if the child is not represented by counsel, unless the court finds that the child would not benefit from the appointment of counsel. Existing law requires counsel appointed for the child to be charged in general with the representation of the child's interests. This bill would, at least once every year and if the list of educational liaisons is available on the Internet Web site of the State Department of Education, (A) require counsel appointed for the child to provide his or her contact information to the educational liaison of each local educational agency serving counsel's foster child clients in the county of jurisdiction, and (B) if counsel is part of a firm or organization, authorize the firm or organization to provide its contact information in lieu of contact information for the individual counsel. The bill would authorize the child's caregiver or other person holding the right to make educational decisions for the child to provide the contact information of the child's attorney to the child's local educational agency. (6) Existing law requires, when a child is placed in foster care, the case plan for each child to include a summary of the health and education information or records of the child. Existing law requires the health and education summary to include, but not be limited to, among other things, the names and addresses of the child's health, dental, and education providers. This bill would authorize the health and education summary also to include the name and contact information for the educational liaison of the child's local educational agency. (7) This bill would also make various nonsubstantive changes to the above provisions. (8) This bill would incorporate additional changes in Section 48853.5 of the Education Code, proposed by SB 1568, to be operative only if SB 1568 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last. (9) This bill would incorporate additional changes in Sections 317 and 16010 of the Welfare and Institutions Code, proposed by AB 1712, to be operative only if AB 1712 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last.

AB 2060 *Juveniles: educational decisions*
Bonilla Existing law authorizes the court to limit the right of a parent to make

educational decisions for a dependent child or ward of the court under specific circumstances. If the court limits a parent's right to make educational decisions for his or her child, existing law authorizes the court to temporarily appoint a responsible adult to make educational decisions for the child. Under existing law, if the court cannot identify a responsible adult to fulfill that role while dependency proceedings are pending, the court may make educational decisions for the child, except as specified. After a child has been adjudged a dependent child or a ward of the juvenile court, if the court cannot identify a responsible adult to make educational decisions for the child, the court is required to refer the child to the local educational agency for appointment of a surrogate parent if the child has special education needs. If appointment of a surrogate parent is not warranted because the child does not have special education needs, and the child does not have a foster parent, the court may make educational decisions for the child. This bill would require the court, after limiting a parent's educational rights in dependency or wardship proceedings, to determine if there is a responsible adult who is a relative, nonrelative extended family member, or other adult known to the child and who is available and willing to serve as the child's educational representative before appointing an educational representative or surrogate who is not known to the child. This bill would also require an appointed educational representative or surrogate parent to meet with the child, investigate the child's educational needs and whether those needs are being met, and present recommendations to the court or attend court to participate in any portion of a hearing that concerns the child's education. By requiring a higher level of service by local educational agencies in the appointment and performance of surrogate parents, this bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

SB 754 *School funding: economic impact aid*
Padilla Existing law provides economic impact aid funding to school districts based on the number of economically disadvantaged pupils and English learners enrolled in the school district. Existing law requires the Superintendent of Public Instruction to perform specified calculations to determine the amount of economic impact aid a school district receives for a fiscal year and further requires each school district to expend these funds for specified programs and activities. This bill would require a school district, as a condition of the receipt of economic impact aid funds, to post in an easily accessible location on its Internet Web site data related to its economic impact aid funding and expenditures, as specified.

SB 1108 *English learners: reclassification*

- Padilla Existing law requires each school district that has one or more pupils who are English learners, and to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine their level of proficiency. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient. Existing law requires the Superintendent of Public Instruction to apportion funds appropriated for purposes of assessing the English language development of pupils whose primary language is a language other than English to enable school districts to use the California English language development test to identify pupils who are limited English proficient, determine the level of English language proficiency of those pupils, and to assess the progress of those pupils in acquiring the skills of listening, reading, speaking, and writing in English. This bill would require the department, by January 1, 2014, to review and analyze the criteria, policies, and practices that a sampling of school districts that represent the geographic, socioeconomic, and demographic diversity of school districts in the state use to reclassify English learners and recommend to the Legislature and state board any guideline, regulatory, or statutory changes that the department determines are necessary to identify when English learners are prepared for the successful transition to classrooms and curricula that require English proficiency. The bill would require the department, by January 1, 2014, to issue a report on its findings, research, analysis, recommendations, and best practices, and by January 1, 2017, to issue an updated report that reflects any changes in analysis and recommendations as a result of the adoption by the state board of the common core standards and related English language development standards. The bill would make implementation of these provisions contingent on an appropriation of federal or state funds or on the availability of private funding.
- SB 1458 *School accountability: Academic Performance I*
Steinberg The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) that measures the performance of schools and the academic performance of pupils. Under existing law, the API consists of a variety of indicators, including graduation rates for pupils in secondary schools, and is used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. Existing law requires the Superintendent to determine the accuracy of high school graduation rate data before including that data in the API, and to provide an annual report to the Legislature on graduation and dropout rates, as specified. This bill would authorize the Superintendent to develop and implement a specified program of school quality review to complement the API, if an appropriation for this purpose is made in the annual Budget Act. The bill would require the Superintendent to annually provide to local educational agencies and the public an explanation of the individual

components of the API and their relative values, as specified, and would prohibit an additional element from being incorporated into the API until at least one full school year after the state board's decision to include the element into the API. The bill would also require the Superintendent to annually determine the accuracy of graduation rate data, and would delete the requirement that the Superintendent report annually to the Legislature on graduation and dropout rates. The bill would authorize the Superintendent to incorporate into the API the rates at which pupils successfully promote from one grade to the next in middle school and high school and matriculate from middle school to high school, as well as pupil preparedness for postsecondary education and career. The bill would delete the requirement that the API be used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. To the extent this bill would require school districts to report additional data for purposes of inclusion in the API or other school quality review, the bill would impose a state-mandated local program. Existing law provides that pupil scores from certain standards-based achievement tests and the high school exit examination be incorporated into the API, as specified. Under existing law, the results of these tests constitute at least 60% of the value of the index. This bill would instead require that these test results constitute no more than 60% of the value of the index for secondary schools, commencing with the baseline API calculation in 2016, and for each year thereafter. This bill would require the Superintendent, on or before October 1, 2013, to report to the Legislature a method for increasing emphasis on pupil mastery of standards in science and social science through the system of public school accountability or by other means and an alternative method or methods, in place of decile rank, for determining eligibility, preferences, or priorities for any statutory program that uses decile rank as a determining factor. This bill would incorporate additional changes in Section 52052 of the Education Code, proposed by AB 1668, to be operative only if AB 1668 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

Housing

AB 2308 *Land use: housing element: regional housing need*
Torres 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 authorize a city or county to reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element, and would require a jurisdiction that does so to identify in the housing element the methodology for assigning these units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.

Land Use and Transportation

- AB 57 *Metropolitan Transportation Commission*
Beall Metropolitan Transportation Commission as a regional agency in the 9-county San Francisco Bay Area with comprehensive regional transportation planning and other related responsibilities. Existing law requires the commission to consist of 19 members, including 2 members each from the Counties of Alameda and Santa Clara, and one member appointed by the San Francisco Bay Conservation and Development Commission, and establishes a 4-year term of office for members of the commission. This bill would, instead, require the commission to consist of 21 members, including one member appointed by the Mayor of the City of Oakland and one member appointed by the Mayor of the City of San Jose. The bill would require the initial term of those 2 members to end in February 2015. The bill would prohibit more than 3 members of the commission from being residents of the same county, as specified. The bill would require the member from the San Francisco Bay Conservation and Development Commission to be a member of that commission, a resident of San Francisco, and to be approved by the Mayor of San Francisco.
- AB 441 *Transportation planning*
Monning Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with regional agencies, to prescribe study areas for analysis and evaluation and guidelines for the preparation of a regional transportation plan. This bill would require the commission to attach a summary of the policies, practices, or projects that have been employed by metropolitan planning organizations that promote health and health equity to the commission's next revision of specified regional transportation planning guidelines.
- AB 819 *Bikeways*
Wieckowski Existing law requires the Department of Transportation, in cooperation with county and city governments, to establish minimum safety design criteria for the planning and construction of bikeways, and authorizes cities, counties, and local agencies to establish bikeways. Existing law requires all city, county, regional, and other local agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted to utilize all minimum safety design criteria and uniform specifications and symbols for signs, markers, and traffic control devices established pursuant to specified provisions of existing law. This bill would require the department to establish, by June 30, 2013, procedures for cities, counties, and local agencies to be granted exceptions from the requirement to use those criteria and specifications for purposes of research, experimentation, testing, evaluation, or verification. The bill would require the department, by November 1, 2014, to report to the transportation policy committees of both houses of the

Legislature the steps that the department has taken to implement those requirements, including, but not limited to, information regarding requests received and granted by the department from July 1, 2013, to June 30, 2014, inclusive, for those exceptions, and the reasons the department rejected any requests for those exceptions.

- AB 890
Olsen *Environment: CEQA exemption: roadway improvement*
The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts from its requirements specified projects or activities. This bill would, until January 1, 2016, exempt a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as defined, if the project or activity is carried by a city or county to improve public safety meeting specified requirements. CEQA authorizes a local agency, whenever it determines that a project is not subject to CEQA pursuant to designated provisions and the local agency approves or determines to carry out the project, to file a specified notice of that approval or determination with the county clerk of each county in which the project will be located. This bill would require a local agency that makes such a determination and approves and determines to carry out that project, to file a specified notice with the Office of Planning and Research, and with the county clerk in the county in which the project will be located.
- AB 1532
Perez *California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund*
The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include use of market-based compliance mechanisms. Existing law imposes limitations on any link, as defined, between the state and another state, province, or country for purposes of a market-based compliance mechanism by, among other things, prohibiting any state agency, including the state board, from taking any action to create such a link unless the state agency notifies the Governor, and the Governor issues specified written findings on the proposed link that consider the advice of the Attorney General. This bill would prohibit the Governor's written

findings on the proposed link from being subject to judicial review. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. This bill would require the moneys in the Greenhouse Gas Reduction Fund to be used for specified purposes. The bill would require the Department of Finance, in consultation with the state board and any other relevant state entity, to develop, as specified, a 3-year investment plan that includes specified analysis and information and to submit the plan to the Legislature, as specified. The bill would require the Department of Finance to submit a report no later than March 1, 2014, and annually thereafter, to the appropriate committees of the Legislature containing specified information. This bill would make its provisions contingent on the enactment of other legislation, as specified.

AB 1801 *Land use: fees*

Campos

(1) Existing law requires fees charged by a local agency for specified purposes to not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of this cost is submitted to, and approved by, 2/3 of the electors. The Planning and Zoning law requires a city or county to administratively approve applications to install solar energy systems, as defined, through the issuance of a building permit or similar nondiscretionary permit. This bill would prohibit a city, county, or city and county from basing the calculation of the fee charged for a solar energy system on the valuation of the solar energy system, or any other factor not directly associated with the cost to issue the permit, or from basing the calculation of the fee on the valuation of the property or the improvement, materials, or labor costs associated with the improvement. The bill would also require the city, county, or city and county to separately identify each fee assessed on the applicant for the installation of a solar energy system on the invoice provided to the applicant. (2) The bill would also express a legislative finding and declaration that oversight of permit fees for renewable energy systems is an issue of statewide concern and not a municipal affair and that, therefore, all cities, including charter cities, would be subject to the provisions of the bill.

AB 1922 *Heavy-duty vehicles: smoke emissions*

Lara

Existing law requires the State Air Resources Board to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Existing regulations require the owner of a heavy-duty diesel-fueled vehicle to test the vehicle for excessive smoke emissions periodically, as specified, and requires the vehicle to be periodically tested for smoke opacity and repaired if the applicable smoke opacity standard is exceeded within 12 months of the previous test, as prescribed. This bill would require, on or before December 31 of each year, a fleet, as defined, to comply with the regulations and standards

for that calendar year.

AB 2245 *Environmental quality: California Environmental Quality Act: exemption: bikeways*
Smyth The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts from its requirements specified projects and activities. Existing law establishes the Office of Planning and Research (OPR) in the Governor's office. Existing law requires the OPR to assist with, among other things, the orderly preparation of programs of transportation. Existing law authorizes a lead agency that determines that a project is not subject to CEQA pursuant to certain exemptions and approves or determines to carry out that project, to file notice of the determination with the OPR if the lead agency is a state agency or with the county clerk in which the project is located if the lead agency is a local agency. This bill would, until January 1, 2018, exempt from CEQA the restriping of streets and highways for bicycle lanes in an urbanized area that is consistent with a prepared bicycle transportation plan. A lead agency would be required to take specified actions with regard to making an assessment of traffic and safety impact and holding hearings before determining a project is exempt. The bill would require a state agency, that determines that a project is exempt under this provision, and approves or determines to carry out that project, to file a notice of the determination with OPR. The bill would require a local agency, that determines that a project is exempt under this provision, and approves or determines to carry out that project, to file a notice of determination with OPR and the county clerk in the county in which the project is located.

AB 2314 *Real property: blight*
Carter (1) Existing law, until January 1, 2013, requires a legal owner to maintain vacant residential property purchased at a foreclosure sale or acquired by that owner through foreclosure under a mortgage or deed of trust. Existing law, until January 1, 2013, authorizes a governmental entity to impose civil fines and penalties for failure to maintain that property of up to \$1,000 per day for a violation. Existing law, until January 1, 2013, requires a governmental entity that seeks to impose those fines and penalties to give notice of the claimed violation and an opportunity to correct the violation at least 14 days prior to imposing the fines and penalties, and to allow a hearing for contesting those fines and penalties. This bill would delete the repeal clause for these provisions and thus extend the operation of these provisions indefinitely. (2) The State Housing Law requires the housing or building department or, if there is no

building department, the health department, of every city, county, or city and county, or a specified environmental agency, to enforce within its jurisdiction all of the State Housing Law, the building standards published in the State Building Standards Code, and other specified rules and regulations. If there is a violation of these provisions or any order or notice that gives a reasonable time to correct that violation, or if a nuisance exists, an enforcement agency is required, after 30 days' notice to abate the nuisance, to institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance. This bill would prohibit an enforcement agency from commencing any action or proceeding until at least 60 days after a person takes title to the property, unless a shorter period of time is deemed necessary by the enforcement agency in its sole discretion, as specified, if the person has purchased and is in the process of diligently abating any violation at a residential property that had been foreclosed on or after January 1, 2008. This bill would require any entity that releases a lien securing a deed of trust or mortgage on a property for which a notice of pendency of action, as defined, has been recorded against the property, as specified, to notify in writing the enforcement agency that issued the order or notice within 30 days of releasing the lien. (3) Existing law authorizes, among other things, the enforcement agency to seek and the court to order imposition of specified penalties or the enforcement agency, tenant, or tenant association or organization to seek, and the court to order, the appointment of a receiver for a substandard building, if the owner of the property fails to comply within a reasonable time with the terms of an order or notice. This bill would authorize a court to require the owner of the property to pay all unrecovered costs associated with the receivership in addition to any other remedy authorized by law.

- AB 2551 *Infrastructure financing districts: renewable energy zones*
Hueso Existing law authorizes counties and cities to form infrastructure financing districts, in accordance with a prescribed procedure, and requires that a district finance only public capital facilities of communitywide significance, as specified. Existing law authorizes a legislative body, by ordinance, to adopt an infrastructure financing plan and create the district with the full force and effect of law, if 2/3 of the registered voters within the territory of the proposed district are in favor of creating the district. This bill would authorize a legislative body to establish an infrastructure financing district in a renewable energy zone area, as defined, for the purpose of promoting renewable energy projects. With respect to an infrastructure financing district created pursuant to these provisions, the bill would exempt the formation of the infrastructure financing district from the voter-approval requirement.
- SB 1241 *Land use: general plan: safety element: fire hazard impacts*
Kohoe (1) The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a safety element for the protection of the community from unreasonable risks associated with, among other things,

wildland and urban fires. The safety element includes requirements for state responsibility areas, as defined, and very high fire hazard severity zones, as defined. This bill would revise the safety element requirements for state responsibility areas and very high fire hazard severity zones, as specified, and require the safety element, upon the next revision of the housing element on or after January 1, 2014, to be reviewed and updated as necessary to address the risk of fire in state responsibility areas and very high fire hazard severity zones, taking into account specified considerations, including, among others, the most recent version of the Office of Planning and Research's "Fire Hazard Planning" document. The bill would also require the office to, at the next update of its general plan guidelines, include these provisions, or a reference to these provisions and any other materials related to fire hazards or fire safety it deems appropriate. By imposing new duties on a city or county with regard to reviewing and updating its general plan, the bill would impose a state-mandated local program. (2) The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, unless it makes certain findings. This bill would require the legislative body of a county to make 3 specified findings before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, as defined. The bill would provide that this provision does not supersede the requirements of local ordinances and specified regulations that provide equivalent or more stringent minimum requirements. (3) The California Environmental Quality Act (CEQA) requires a lead agency to prepare and certify the completion of an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA requires the Office of Planning and Research to prepare and develop guidelines for the implementation of CEQA by public agencies. This bill would require the office, on or after January 1, 2013, at the time of the next update of the guidelines for implementing CEQA, in cooperation with the Department of Forestry and Fire Protection, to prepare, develop, and transmit to the Secretary of the Natural Resources Agency recommended proposed changes or amendments to the initial study checklist for the inclusion of questions related to fire hazard impacts for projects in state responsibility areas and very high fire hazard severity zones. The bill would also require the Secretary of the Natural Resources Agency to certify and adopt these recommended proposed changes or amendments.

- SB 1257 *Utility user tax: exemption: public transit vehicles*
Hernandez Existing law generally provides that the legislative body of any city and any charter city may make and enforce all ordinances and regulations with respect to municipal affairs, as provided, including, but not limited to, a utility user tax on the consumption of gas and electricity. Existing law provides that the board of supervisors of any county may levy a utility user tax on the consumption of,

among other things, gas and electricity, in the unincorporated area of the county. This bill would provide that a local jurisdiction, as defined, may not impose a utility user tax, as specified, upon either the consumption of compressed natural gas dispensed by a gas compressor, within a local jurisdiction, that is separately metered and is dedicated to providing compressed natural gas as a motor vehicle fuel for use by the local agency or public transit operator or the consumption of electricity used to charge electric bus propulsion batteries, within a local jurisdiction, that is separately metered and is dedicated to providing electricity as fuel for an electric public transit bus.