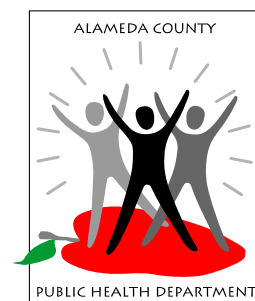


# *Public Health Legislation from the 2005 California Legislative Session*

Prepared by Joe Rois, March 2005

Legislative Council,  
Alameda County Public Health Department



## Purpose

This document was created to serve as a reference guide for Alameda County Public Health Department (ACPHD) staff and community members. It provides a brief summary of all public health related legislation considered during the 2005 session of the California State Legislature and is organized by Divisions and the Department's strategic directives (safety, shelter and transportation).

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

## Definitions

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

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

## Legislative Council

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

## Feedback

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

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## Community Health Services

- AB 17  
Koretz      *Coastal resources: beaches: prohibiting smoking*  
Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area. This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach, as defined. The bill would establish a state-mandated local program by creating a new crime. This bill would permit the state to develop and post signs at a state coastal beach to provide notice of the smoking prohibition, as specified.  
**Status:** Passed Com. on Nat. Resources (6-2), re-refer to Com. on Govt. Organization. (last activity 3/1/05)
- AB 105  
Cohn      *Food labeling: California Choice Seal Program*  
The existing Sherman Food, Drug, and Cosmetic Law provides for the regulation by the State Department of Health Services of the packaging, labeling, and advertising of food, drugs, and cosmetics. This bill would require the department to establish a voluntary food inspection program, to authorize placement of the "California Choice Seal" upon, or in association with, compliant food products, and to assess a fee upon participants to cover the costs of the program. The bill would establish the California Choice Seal Fund for deposit of the fees, to be available for these purposes upon appropriation by the Legislature.  
**Status:** From committee chair, with author's amendments: Amend, and re-refer to Com. on Health. (last activity 2/28/05)
- AB 173  
Houston      *Liability immunity: food and beverages*  
Under existing law, everyone is generally responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. Existing law provides immunity from liability for certain actions and for certain products. This bill would provide immunity from civil liability to a manufacturer, packer, distributor, carrier, holder, marketer, advertiser, or seller of a food or beverage, as defined, or an association of one or more of these entities, for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity from the long-term consumption of the food. The bill would except from this immunity a case in which the claim of injury is based on a material violation of a state or federal composition, branding, or labeling standard, and that violation caused the injury claimed, as specified. The bill would apply to all claims pending on the effective date of the act and subsequent claims.  
**Status:** From committee chair, with author's amendments: Amend, and re-refer to Com. on Jud. (last activity 3/8/05)
- AB 178  
Koretz      *California Cigarette Fire Safety Act*  
Existing law requires the State Fire Marshal to adopt regulations that specify standards for the special design of cigarette lighters with respect to safety features that prevent operation of the lighters by children 5 years of age or younger. This bill would prohibit the sale of cigarettes unless the manufacturer of those cigarettes certifies to the Attorney General that the cigarettes have been tested by the manufacturer in accordance with standards established by the American Society of Testing and Materials and no more than 25% of the cigarettes it manufactures exhibit full -length burns when tested. The bill would require cigarette manufacturers to mark packages of cigarettes to be sold in California to show compliance with these provisions and would require wholesale dealers, agents, and retail dealers to permit the State Fire Marshal to inspect these markings. The bill would impose a civil penalty on wholesale dealers, agents, and others who knowingly sell or offer to sell cigarettes in violation of these provisions, on retailer dealers who knowingly sell or offer to sell cigarettes in violation of these provisions, and on manufactures that knowingly make false certifications in violation of these provisions. The bill would become inapplicable when federal cigarette safety standards are adopted and become effective and the State Fire Marshal so notifies the Secretary of State.  
**Status:** Referred to Com. on Govt. Org. (last activity 2/15/05)

- AB 264  
Chan *Schools: asthma management*  
Existing law requires the governing board of any school district to give diligent care to the health and physical development of pupils. This bill would require the State Department of Education to supply each school district and each county office of education with a copy of the report titled Guidelines for the Management of Asthma in California Schools. The bill would require each school district and county office of education to ensure that each school within its jurisdiction has a copy of the report described above, by ensuring that the school has either downloaded a copy of the report from the Internet or has obtained a copy of the report in another manner. The bill would require the State Department of Education and the State Department of Health Services to develop an online training program for asthma management in schools. The bill would require certificated employees to complete the program biannually.  
**Status:** Referred to Com. on Ed. (last activity 3/3/05)
- AB 273  
Baca *Sale of alcoholic beverages: alcohol vaporized device*  
The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. This bill would prohibit the sale, purchase, and use of any vaporized form of alcohol produced by an alcohol vaporizing device, as defined. This bill would also provide that a person who purchases or uses any vaporized form of alcohol produced by an alcohol vaporizing device is subject to a fine of \$250, and a person who sells or offers for sale any vaporized form of alcohol produced by that device is subject to either a \$500 fine or a \$25,000 fine, as provided.  
**Status:** Referred to Com. on Govt. Org. (last activity 2/22/05)
- AB 334  
Chan *Instructional school garden program*  
Existing law requires the State Department of Education to establish, develop, and implement the instructional school garden program to make competitive grants available for school districts and county offices of education. Existing law requires the department to distribute the grants in consultation with education, nutrition, and agriculture experts and according to specified guidelines. This bill would require the department, in consultation with the Department of Food and Agriculture, to allocate state and federal funds for purposes of the grants.  
**Status:** In committee on Ed. Set, first hearing. Hearing canceled at the request of author. (last activity 3/16/05)
- AB 428  
Gordon *Alcohol Beverage Control Fund: grant assistance program*  
Existing law requires all money collected as fees under the Alcoholic Beverage Control Act be deposited in the State Treasury to the credit of the Alcoholic Beverage Control Fund for specified purposes. This bill would make legislative findings regarding the Department of Alcoholic Beverage Control's grant assistance program and provide, upon appropriation by the Legislature, that money in the fund shall also be used in an amount necessary for the support of the program.  
**Status:** Referred to Com. on G. O. (last activity 3/14/05)
- AB 443  
Yee *School food sales*  
Existing law allows the governing board of any school district or any county office of education to authorize the sale of food on school premises by any pupil or adult organization, subject to policy and regulations of the State Board of Education. Existing law requires the State Board of Education to develop policy and regulations for the sale of food on school premises by any pupil or adult organization to ensure optimum participation in nonprofit food service programs. This bill would eliminate the requirement that the State Board of Education develop policy and regulations for the sale of food by pupil and adult organizations and instead require the governing board of any school district or any county office of education to ensure that the sale of food by any organization, other than the school food service department, does not interfere with optimum participation in nonprofit food service programs. The bill would allow the governing board of any school district or a county superintendent of schools to permit food sales by pupil organizations at elementary, middle, junior high, and high schools if specified requirements are satisfied.

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

AB 444  
Yee  
*School food: nutrition guidelines*  
Existing law requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and for all food and beverages sold on public school campuses. This bill would also require the department to develop and maintain those guidelines for all food and beverages served on public school campuses. Existing law requires the nutrition guidelines to include guidelines for fat, saturated fat, and cholesterol, and to specify that if comparable food products of equal nutritional value are available, the food product lower in fat, saturated fat, or cholesterol shall be used. This bill would include sugar within those guideline provisions.  
**Status:** Referred to Com. on Ed. (last activity 3/3/05)

AB 454  
Sharon  
Runner  
*Alcoholic beverages: underage drinking*  
Under the Alcoholic Beverage Control Act, it is a misdemeanor for any person to provide an alcoholic beverage to a person under the age of 21 years who consumes the beverage and thereby proximately causes great bodily injury or death, as specified. This bill would also make that act a felony at the discretion of the court.  
**Status:** Referred to Coms. on G.O. and Pub. S. (last activity 3/7/05)

AB 466  
Parra  
*Parks and recreation: assistance grants: review*  
Existing law vests with the Department of Parks and Recreation control of the state park system. This bill would require the department, to apply specified conditions with respect to the award of a grant for a state or local park project, including, but not limited to, a recreation project, that is funded pursuant to an item contained in an annual Budget Act, when the project is not evaluated through a competitive review process administered by the department. The bill would require the department not later than June 30, 2005, to adopt policies and procedures for project oversight and monitoring of those grants, and to provide a copy of those policies and procedures to specified legislative committees, as provided.  
**Status:** Referred to Com. on W.,P. & W. (last activity 2/24/05)

AB 569  
Garcia  
*Pupil nutrition: food service*  
Existing law requires that the sale of all foods on school grounds at an elementary school be approved for compliance with specified nutrition standards. This bill, commencing on January 1, 2007, would require a school district that elects to contract with a commercial food vendor to prepare or provide food for sale to pupils on a school campus to make information available on the nutritional content of all food items sold. The bill would require a commercial food vendor to display a standard label on prepackaged and prepared items which provides the nutritional information of that item pursuant to the federal Nutrition Labeling and Education Act of 1990, to post the nutritional information in a conspicuous manner on a wall in public view, or to provide the nutritional information in printed form upon request. The bill would authorize a school district to revoke a contract for food service entered into between a school district and a commercial food vendor after January 1, 2007, if the commercial food vendor fails to provide the nutritional information, as specified. The bill would prohibit a school district that elects to contract with a commercial food vendor from entering into a contract with the vendor, unless the vendor agrees to provide the nutritional information required by the bill. The bill would not apply to a food vendor that provides meal service pursuant to a state or federal funded meal program.  
**Status:** Referred to Com. on Ed. (last activity 3/3/05)

AB 616  
Vargas  
*Public buildings: smoking areas*  
Existing law provides that a public employee or other person may smoke in any outdoor area of a public building unless otherwise prohibited by state law or local ordinance and a sign describing the prohibition is posted as specified. This bill would make technical, nonsubstantive changes to these provisions.  
**Status:** From printer. May be heard in committee. (last activity 2/18/05)

AB 622  
*Public schools: pupil nutrition*

- Negrete  
McLeod Existing law, operative if funding is appropriated for specified nutritional purposes, prohibits the sale of certain beverages at elementary schools regardless of the time of day and restricts the sale of certain food items on those campuses during specified times. Existing law further prohibits the sale of carbonated beverages in middle schools from 1/2 hour before the start of the school day until after the end of the last lunch period. Existing law also prohibits the sale of certain beverages to pupils in elementary, middle, or junior high schools, and at specified school events. This bill would delete these provisions and would, instead, provide that food or beverages sold or served to pupils meet other specified nutritional standards.  
**Status:** Referred to Coms. on Health and Ed. (last activity 3/17/05)
- AB 689  
Nava *Nutrition and physical activity curriculum*  
Existing law requires the State Board of Education to adopt instructional materials in designated subject areas for use in kindergarten and grades 1 to 8, inclusive, and to ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the cycles for the submission of instructional materials. Existing law requires the State Department of Education to incorporate nutrition education curriculum content into the health curriculum framework at its next revision, with a focus on pupils' eating behaviors. This bill would require the department to incorporate specified exercises and activities related to nutrition and physical activity into each of the reading, English language arts, English language development, history/social science, science, and mathematics instructional materials criteria at its next revision. The bill would require the board to adopt, on or before December 1, 2007, model content standards in the curriculum area of health education. The bill would make that duty contingent upon the availability of funding.  
**Status:** Referred to Com. on Ed. (last activity 3/7/05)
- AB 744  
Oropeza *ABC license transfers*  
The Alcoholic Beverage Control Act prohibits the issuance of a retail license to sell alcoholic beverages for any premises that are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city. This bill would also prohibit the transfer of retail licenses to those premises.  
**Status:** Referred to Com. on G.O. (last activity 3/3/05)
- AB 753  
Gordon *Alcoholic beverages: underage drinking: suspension of driving privileges*  
The Alcoholic Beverage Control Act makes it a misdemeanor for any person under the age of 21 years to purchase any alcoholic beverage or to consume any alcoholic beverage in any on-sale premises, or to have an alcoholic beverage in his or her possession in specified public places. The act also makes it a misdemeanor if any person sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverages to any person under the age of 21 years. The act makes it a misdemeanor for a parent or legal guardian to knowingly permit a child under the age of 18 years to consume an alcoholic beverage or to use a controlled substance at the home of the parent or legal guardian. The act makes it an infraction for any person under the age of 21 years to attempt to purchase alcoholic beverages from a licensee or agent or representative of a licensee. This bill, in addition to the penalties imposed under these provisions, would also require the suspension of the driving privileges, as specified, of the person who violates any of these provisions.  
**Status:** From printer. May be heard in committee. (last activity 2/20/05)
- AB 806  
La Suer *Cigarette and tobacco products taxes*  
The Cigarette and Tobacco Products Tax Law requires distributors and wholesalers of cigarette and tobacco products to be licensed by the State Board of Equalization. The Cigarette and Tobacco Products Tax Law also requires a tax imposed by that law with respect to distributions of cigarettes to be paid by distributors through the use of stamps or meter register settings, and requires that these stamps or meter register settings be affixed to each package of cigarettes sold. This bill would make technical, nonsubstantive changes to the provision providing for the sale of stamp and meter register settings to distributors.  
**Status:** Referred to Com. on Pub. S. (last activity 3/17/05)
- AB 826 *Food and agriculture*

- Nava Existing law provides that California farmers may transport for sale and sell California-grown fresh fruits, nuts, and vegetables that they produce, directly to the public and defines certified farmers' markets as locations established in accordance with local ordinances, where California farmers may transport and sell to the public California agricultural products that they produced. This bill would state the intent of the Legislature to establish a program to encourage the creation of farmers' markets and other venues for the sale of fruits and vegetables in areas of the state with inadequate access to those foods.  
**Status:** From printer. May be heard in committee. (last activity 2/20/05)
- AB 864 *California Council of Physical Fitness and Sports*  
Levine Existing law establishes programs relating to disease prevention and health promotion. This bill would establish the California Council on Physical Fitness and Sports, consisting of 20 volunteer members appointed by the Legislature and the Governor who are experienced or interested in physical fitness and sports. The bill would permit the council to promote and develop programs, stimulate research and distribute information relating to physical fitness and sports for the people of California. The bill would permit the council to promote the development of a statewide amateur athletic competition. The bill would also permit the council to accept grants, gifts, or requests or enter into contracts to promote the purposes of the council.  
**Status:** Referred to Com. on A., E., S., T., & I.M. (last activity 3/3/05)
- AB 892 *Cigarettes and tobacco products: sales invoices*  
Cogdill The California Cigarette and Tobacco Products Licensing Act of 2003 provides for the licensure, by the State Board of Equalization, of manufacturers, distributors, wholesalers, importers, and retailers of cigarette or tobacco products that are engaged in business in California and prohibits retailers, manufacturers, distributors, and wholesalers from distributing or selling those cigarette and tobacco products unless they are in compliance with those licensure requirements. The act requires each distributor and each wholesaler to include certain information on each invoice for the sale of cigarettes or tobacco products, including a statement that all California cigarette and tobacco product taxes are included in the total amount of the invoice. The act provides that failure to comply with that requirement constitutes a misdemeanor. This bill would instead require that the invoice include either that statement or the amount of excise taxes due to the board by the distributor on the distribution of cigarettes and tobacco products. The bill would also require that the invoice include the date the cigarettes or tobacco products are sold.  
**Status:** Referred to Com. on G. O. (last activity 3/3/05)
- AB 960 *Childhood obesity and nutrition*  
Montanez Existing law establishes a program to promote public awareness of the need to consume fruits and vegetables in order to improve health and prevent major chronic disease. Existing law also creates a program to aid in child development from the prenatal stage to 5 years of age, by providing parental education, support service, and child health care service that emphasizes nutrition. This bill would declare the intent of the Legislature to enact legislation relating to childhood obesity and nutrition.  
**Status:** From printer. May be heard in committee. (last activity 2/20/05)
- AB 1029 *Tobacco products: sales: noncompliance*  
Jerome (1) The Cigarette and Tobacco Products Tax Law requires every distributor of cigarettes to pay taxes, Horton as prescribed, on the distribution of cigarettes. In addition to the requirement to pay taxes on the distribution of cigarettes, existing law also requires distributors and wholesalers of cigarette and tobacco products to be licensed by the State Board of Equalization. Existing federal law, known as the Jenkins Act, requires any person that sells or transfers, in interstate commerce, cigarettes into a state that taxes the sale or use of cigarettes to file and report specified information with the tobacco tax administrator of that state. Existing law requires, except under specified circumstances, that each retail sale of cigarettes in the state is to be a face-to-face sale, as defined. Existing law exempts a person from this face-to-face sale restriction, if that person has paid all applicable state taxes and is in compliance with the federal Jenkins Act. This bill, in addition to the existing requirements for an exception from the restrictions of face-to-face sales of cigarettes, would also require a person to be in full compliance with state licensure provisions and with a specified provision of the Health and

Safety Code. (2) Existing law authorizes the Attorney General, or a city attorney, county counsel, or district attorney to bring a civil action, as specified, to enforce these provisions that apply to a retail seller of cigarettes and tobacco products, including the imposition of a fine in the amounts specified. This bill would authorize the Attorney General, or a city attorney, county counsel, or district attorney to bring a separate civil action against a retail seller that fails to pay taxes on products sold in a face-to-face transaction, and would impose a penalty against that retail seller in an amount equal to 500% of the unpaid taxes.

**Status:** Referred to Coms. on Rev. & Tax and G. O. (last activity 3/7/05)

AB 1056

Chu

*Child nutrition: professional development*

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

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

AB 1077

Chan

*Pupil health*

Existing law requires the governing board of any school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law allows the parent or guardian having control or charge of any child enrolled in the public schools to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an examination of his or her child. Existing law exempts a child from physical examinations once such a statement is filed with the principal. This bill would require pupils enrolled in kindergarten, a public, or private school to present proof of having received while in kindergarten, grade 2, and grade 6, an oral health assessment by a dentist or dental hygienist before May 15 of the respective school year. This bill would allow the parent or guardian having control or charge of any child enrolled in a private school to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an oral health assessment. This bill would exempt any pupil at a private or parochial school from the assessment requirement once such a statement is filed.

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

AB 1126

Saldana

*Alcoholic beverage control: licenses: offers in compromise*

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, and the suspension of alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law authorizes an alcoholic beverage licensee, as provided, to petition the Department of Alcoholic Beverage Control for permission to make an offer in compromise, before the operative date of the suspension of the alcoholic beverage license, and to pay an amount in lieu of serving the suspension. Existing law prescribes certain guidelines for calculating the applicable amount of the offer in compromise for retail licensees, and provides that an offer for compromise may not be less than \$750 nor more than \$3,000. This bill would instead provide that an offer in compromise for retail licensees may not be less than \$1,000 nor more than \$5,000.

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

AB 1195

Coto

*Continuing education: cultural and linguistic competency*

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under the act, a physician and surgeon is required to demonstrate satisfaction of continuing education requirements. The act also creates a voluntary program for interested physicians and surgeons to learn a foreign language and cultural beliefs and practices that may impact patient health care practices. This bill would make the subjects of cultural and linguistic competency care a mandatory part of the continuing education requirements that a physician and surgeon must complete.

**Status:** From printer. May be heard in committee. (last activity 2/23/05)

AB 1207

*Alcoholic beverages: licenses: transfers*

- Yee  
The Alcoholic Beverage Control Act sets forth the procedures for applying for a liquor license. Existing law also establishes the procedures for the transfer of an existing liquor license. Existing law contains a schedule of fees that apply to specified transfers of liquor licenses. This bill would make a technical, nonsubstantive change to the provision that sets forth the fees for transfers of liquor licenses to eliminate a reference to a code section that has been repealed.  
**Status:** From printer. May be heard in committee. (last activity 2/24/05)
- AB 1291  
Pavley  
*Food: state-certified logo*  
Existing law, the Sherman Food, Drug, and Cosmetic Law, requires the State Department of Health Services 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. Existing law authorizes the department to publish reports summarizing related court judgments, and to distribute food-related information necessary for the protection of the public health. This bill would require the California Environmental Protection Agency to, by January 1, 2007, establish a state-certified logo that could be affixed to food products that are proven to be free of, or contain acceptable levels of, toxic substances that could harm a child's health, to establish a testing process for participating food products, and to conduct a public awareness program.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)
- AB 1292  
Evans  
*School facilities: air quality*  
Existing law requires schoolsite councils, at schools participating in school-based program coordination, to develop a school plan including specified components. This bill would require schoolsite councils to include in their school plans guidelines for the improvement of indoor air quality. This bill would require that the guidelines describe the actions that district staff, teachers, and schoolsite staff plan to take to assure good indoor air quality. This bill would require that, once approved by the school district's governing board, the guidelines be distributed to all teachers at the schoolsite and to members of the public upon request. Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to require school districts that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's general fund and to deposit an amount equal to 3% of the school district's general fund, including other financing uses, into the account for maintenance of school facilities. This bill would require school districts, as a condition to using funds in the restricted accounts, to ensure that school facilities have heating, ventilation and air-conditioning systems that meet the minimum requirements of regulations enacted by the Division of Industrial Safety that govern the quality of air provided to employees in places of employment. This bill would require school districts to use contractors who have been certified by a nationally recognized organization for the implementation and maintenance of heating, ventilation and air-conditioning systems. Existing law authorizes the governing board of a school district to establish a restricted deferred maintenance fund, provides for the deposit of prescribed local funds, and provides for the deposit of matching state funds. Existing law requires the State Allocation Board to apportion to school districts the state matching funds for deferred maintenance, and establishes the maximum required local deferred maintenance budget. This bill would require school districts, as a condition to using funds in the restricted deferred maintenance funds, to ensure that school facilities have heating, ventilation and air-conditioning systems that meet the minimum requirements of regulations enacted by the Division of Industrial Safety that govern the quality of air provided to employees in places of employment. This bill would require school districts to use contractors who have been certified by a nationally recognized organization for the implementation and maintenance of heating, ventilation and air-conditioning systems.  
**Status:** Referred to Com. on Ed. (last activity 3/17/05)
- AB 1334  
Salinas  
*Dentistry: registered dental hygienists*  
Under existing law, the Dental Practice Act, dental auxiliaries are licensed and regulated by the Committee on Dental Auxiliaries and the Dental Board of California. Existing law authorizes a registered dental hygienist in alternative practice to perform certain functions of a registered dental

hygienist, subject to specified conditions. This bill would expand the scope of those functions by authorizing a registered dental hygienist in alternative practice to perform all the duties of a registered dental hygienist, subject to those conditions. Existing law authorizes a registered dental hygienist in alternative practice to hire and supervise dental assistants performing certain tasks. This bill would also authorize a registered dental hygienist in alternative practice to hire and supervise registered dental assistants. Existing law authorizes a registered dental assistant employed by or practicing in specified clinics to perform certain procedures under the direct supervision of a registered dental hygienist. This bill would also authorize a registered dental assistant to perform those procedures under the direct supervision of a registered dental hygienist in alternative practice.  
**Status:** Referred to Com. on B. & P. (last activity 3/17/05)

AB 1381  
Nunez

*Nutrition: data systems: monitoring*

The California Nutrition Monitoring Development Act of 1986 requires the State Department of Health Services to assess the availability and adequacy of existing state and local food and nutrition data systems and to outline a process for developing a prototype state-local nutrition monitoring system. This bill would change the name of the act to the California Nutrition Act of 2005.  
**Status:** From printer. May be heard in committee. (last activity 2/24/05)

AB 1385  
Laird

*School meals*

Existing law requires school districts and county superintendents of schools to provide free or reduced-price meals to needy pupils as part of the National School Lunch and School Breakfast programs. This bill would require the State Department of Education to develop and implement a data matching system to directly certify recipients of public assistance programs for enrollment in the National School Lunch and School Breakfast programs.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)

AB 1392  
Umberg

*Summer school: free or reduced-price meal*

Existing law requires a school district and a county superintendent of schools maintaining a kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except as specified. Existing law requires the State Board of Education to grant a one-year waiver from that requirement during a summer school session if 2 of 4 enumerated conditions exist, including that the summer school session is less than 4 hours in duration and is completed by noon, that less than 10% of the needy pupils attending the summer school session are at the schoolsite for more than 3 hours per day, that a Summer Food Service Program for Children site is available within the attendance area of the school, and that compliance with the requirement would result in a financial loss in a specified amount relative to food service net cash resources, except as specified. This bill would require a waiver to be granted if a Summer Food Service Program is available within a specified proximity to the schoolsite and as to specified hours of operation, or if compliance with the requirement would result in a financial loss equal to the operating costs of one month, averaged over the school year. The bill would not permit a waiver of the requirement to provide a nutritionally adequate free or reduced-price meal for certain pupils enrolled in a summer school session.  
**Status:** From printer. May be heard in committee. (last activity 2/24/05)

AB 1393  
Berg

*Multicultural Health*

Existing law establishes the Office of Multicultural Health within the State Department of Health Services. Under existing law, the office has duties with respect to health status and access to care for the state's diverse racial and ethnic communities. This bill would make a technical nonsubstantive change to the provisions relating to the Office of Multicultural Health.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)

AB 1414  
Berg

*Children's Environmental Health Center*

Existing law establishes the Children's Environmental Health Center within the Environmental Protection Agency, and provides the center with advisory and other duties relating to the effect of the environment on children's health. This bill would make a technical nonsubstantive change to the provisions relating to the Children's Environmental Health Center.



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

AB 1430  
Goldberg

*Air Contaminants*

Existing law requires the State Air Resources Board to develop and adopt, at a public hearing, a methodology for use by air pollution control districts and air quality management districts to calculate the value of credits issued for emission reductions from stationary, mobile, indirect, and areawide sources, including those issued under market-based incentive programs, when those credits are used interchangeably, with certain requirements. This bill would prohibit this methodology from permitting credits to be used to perpetuate human exposure to air contaminants in communities within a district, or elevated risks associated with air contaminants, including, but not limited to, airborne toxics and particulate matter in low-income communities and communities with a significant minority population.

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

AB 1537  
Bass

*Alcoholic beverages: issuance of license: restrictions*

Under existing law, the Department of Alcoholic Beverage Control is authorized to place reasonable restrictions upon retail licensees or any licensee in the exercise of retail privileges in various situations. Existing law provides that the number of premises for which an off-sale beer and wine license may be issued shall be limited to one for each 2,500, or fraction thereof, of inhabitants of the city or county in which the premises are situated, and to one for each 1,250 inhabitants when those premises are combined with premises for which an off-sale general license is issued in the same city or county. This bill would revise those ratios for premises located in a high crime area, as defined, to limit the number of premises for which an off-sale beer and wine license may be issued to one for each 3,000, or fraction thereof, of inhabitants of the city or county in which the premises are situated, and to one for each 2,000 inhabitants, when those premises are combined with premises for which an off-sale general license is issued in the same city or county. This bill would also define "inhabitant" to exclude any person under the age of 21 years.

**Status:** Referred to Com. on G.O. (last activity 3/14/05)

AB 1593  
Coto

*Child Nutrition*

Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC), authorizes establishment of a statewide program, administered by the State Department of Health Services, for providing nutritional food supplements to low-income pregnant women, low-income postpartum and lactating women, and low-income infants and children under 5 years of age, who have been determined to be at nutritional risk. The program, which implements a program authorized under existing federal law, provides for the redemption of nutrition coupons by recipients at any authorized retail food vendor. This bill would declare the intent of the Legislature to enact legislation that would ensure that the disqualification of vendors under the state WIC program complies with the federal Child Nutrition and WIC Reauthorization Act of 2004, that would require proof of intent and a pattern of violation for vendor disqualification, and that would require that a WIC vendor be provided with adequate notice prior to disqualification.

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

AB 1612  
Pavley

*Cigarettes: litter*

Existing law, the Cigarette and Tobacco Products Tax Law imposes a tax on every distributor of cigarettes and tobacco products at specified rates, including additional taxes imposed under the California Families and Children Act of 1998 (Proposition 10), and the Tobacco Tax and Health Protection Act of 1988. This bill would enact the Cigarette Pollution and Litter Prevention Act of 2005 and would require a manufacturer on July 1, 2006, to pay a fee to the State Board of Equalization for each package of cigarettes sold in the State of California during the previous 6 months. The bill would require each manufacturer to thereafter pay the fee based upon the number of packages of cigarettes sold in the state during the previous 6 months. The bill would require the board to notify each manufacturer of the amount due. The bill would require the fee to be in amount that is not greater than specified costs mitigated by the bill. The bill would require the board to deposit the fees collected into the Cigarette Pollution and Litter Prevention Fund, which the bill would create in the State Treasury. The bill would authorize the revenues in the fund to be expended

by the Department of Conservation and State Department of Health Services, upon appropriation by the Legislature, for specified purposes and programs, including to help offset state government, local government, and other public agency costs associated with the cleanup of cigarette litter and to mitigate cigarette-related pollution, to develop and implement public education and outreach programs, to assist individuals to access and utilize smoking cessation services, to develop and implement community interventions, to reimburse the board for its costs of administration and collection of the fee, and to provide for the costs of administering the act.

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

SB 12  
Escutia

*School food nutrition*

Existing law prohibits the sale of certain beverages and food items at elementary, middle, and junior high schools. This bill would, commencing July 1, 2007, revise those provisions to include, among other things, portion size restrictions. The bill would prohibit the sale of certain beverages and food items at high schools, commencing July 1, 2007, and would require the person or persons responsible for implementing this act at each high school to ensure compliance with its provisions. The bill would provide the intent of the Legislature that the governing board of a school district annually review its compliance with certain nutrition standards.

**Status:** Passed in Com. on Ed. (8-3). Set for hearing in Com. on Health April 6 pending receipt. (last activity 3/17/05)

SB 148  
Scott

*Alcoholic beverages: licensing restrictions*

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

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

SB 153  
Chesbro

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

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

**Status:** To Com. on Nat. R. and W. Set for hearing March 29. (last activity 3/14/05)

SB 189  
Chesbro

*Health care coverage: substance related disorders*

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a violation of the act's requirements a crime. Existing law also provides for the licensure and regulation of health insurers by the Department of Insurance. Existing law requires a health care service plan and a health insurer to offer coverage for the treatment of alcoholism. This bill would require a health care service plan and health insurer to provide coverage for the medically necessary treatment of substance related disorders, excluding caffeine related disorders, on the same basis as coverage is provided for any other medical condition. The bill would authorize a plan and insurer to limit nonhospital residential care, as defined, to 60 days per calendar year.

**Status:** To Coms. on B., F. & I. and Health. (last activity 2/24/05)

- SB 209  
Alquist *Stroke education*  
Existing law establishes the Heart Disease and Stroke Prevention Task Force within the State Department of Health Services and requires the task force to create a heart disease and stroke prevention and treatment state master plan and submit the plan to the Legislature, the Governor, and the department by November 1, 2005. These provisions become inoperative March 1, 2006, and are repealed January 1, 2007. This bill would require the State Department of Health Services and the California Department of Aging to implement a stroke education campaign.  
**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)
- SB 220  
Chesbro *Alcoholic beverage control: person*  
The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control, and defines various terms for specified purposes. This bill would make a nonsubstantive, technical change to the definition of the term "person" contained in these provisions.  
**Status:** To Com. on Rls. (last activity 2/24/05)
- SB 281  
Maldonado *Nutrition*  
Existing law requires the State Department of Health Services to establish and implement, to the extent funds other than state general funds are available, a "5 A Day--For Better Health" program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers. Existing law authorizes the department to contract with qualified organizations for services to implement this program. This bill would provide that contracts entered into under this provision shall not be subject to the requirements of the State Contract Act. This bill would establish a 2-year pilot program beginning July 1 of the first year a funding source is established, to make available free fresh and dried fruits and fresh vegetables to pupils in no fewer than 25 eligible elementary and secondary schools throughout the state, with certain requirements. The pilot program would be administered by the department and implementation of the pilot program would be contingent on the availability of funds, other than General Fund moneys. The bill would require a participating school to submit reports, as specified, to the department and other appropriate agencies. The bill would also require the department to submit a final report to the Legislature, the Department of Food and Agriculture, and the State Department of Education. These provisions establishing the pilot program would become inoperative on July 1, 2010, and would be repealed as of January 1, 2011.  
**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)
- SB 284  
Maldonado *Specialty crop funding*  
Existing federal law, Public Law 108-465, authorizes block grants to state departments of agriculture to promote the marketing of specialty crops products, for the purpose of enhancing the competitiveness of specialty crop funding. This bill would appropriate \$3,000,000 to the Department of Agriculture for allocation to California food banks to support the marketing of specialty crops.  
**Status:** To Com. on Agri. (last activity 2/24/05)
- SB 307  
Simitian *Dextromethorphan: sale to minors prohibited*  
Existing law regulates the sale of nonprescription drugs, as specified. This bill would, in addition, make it an infraction for any person in an over-the-counter sale to, without a prescription, willfully and knowingly deliver to a person under 18 years of age a nonprescription drug containing dextromethorphan. The bill would further provide that a retail clerk who fails to require and obtain proof of age from the purchaser shall not be guilty of an infraction, subject to any civil penalties, or subject to any disciplinary action or discharge by his or her employer, unless the retail clerk is a willful participant in an ongoing criminal conspiracy to violate the provisions prohibiting the sale of dextromethorphan to minors.  
**Status:** To Com. on Pub. S. Set for hearing March 29. (last activity 3/10/05)

- SB 322      *Alcoholic beverages: liquor license*  
Migden      The Alcoholic Beverage Control Act provides for an application process to obtain a license to sell alcoholic beverages. This bill would require the application to include a copy of a valid seller's permit issued to the applicant by the State Board of Equalization.  
**Status:** To Com. on G.O. (last activity 2/24/05)
- SB 400      *Tobacco licensing*  
Kuehl      The Stop Tobacco Access to Kids Enforcement (STAKE) Act prohibits the furnishing of tobacco products to, and the purchase of tobacco products by, any person under the age of 18 years and authorizes the assessment of civil penalties for a violation of the act. The California Cigarette and Tobacco Products Licensing Act of 2003 provides for the licensure, by the State Board of Equalization, of manufacturers, distributors, wholesalers, importers, and retailers of cigarette or tobacco products that are engaged in business in California and prohibits retailers, manufacturers, distributors, and wholesalers from distributing or selling those cigarette and tobacco products unless they are in compliance with licensure requirements. The act requires the board to take action against a retailer convicted of a violation of either the STAKE Act or the Penal Code, according to a schedule that includes a warning letter and training for a first conviction, fines for the 2nd and 3rd convictions within 12 months, 90-day license suspension for the 4th to the 7<sup>th</sup> convictions within 12 months, and license revocation upon the 8<sup>th</sup> conviction within 24 months. The act requires the board to notify the retailer prior to suspending or revoking a retailer's license to sell cigarette and tobacco products. The act authorizes the retailer to appeal the board's decision to suspend or revoke the retailer's license within 30 days after the notice of suspension or revocation. The act makes the board's authority to take action inoperative on or after the date of the release of results from the survey undertaken by the State Department of Health Services to comply with the federal Public Health Service Act showing that less than 13% of youth were able to purchase cigarettes. This bill would repeal the above provisions of the act and would instead make any conviction for a violation by a licensee of the STAKE Act or the Penal Code grounds for suspension or revocation of a license to sell cigarette and tobacco products. If the board finds that there are grounds for suspending or revoking a license, the bill would require the board to impose sanctions, including a 30-day license suspension for the first conviction within a 5-year period, a 90-day suspension for the 2nd conviction within a 5-year period, a 120-day suspension for the 3rd conviction within a 5-year period, a 365-day suspension for a 4th conviction within 5 years, and permanent revocation for a 5th conviction within 5 years. The bill would authorize any licensee whose license is suspended or revoked to petition the board for a redetermination of that suspension or revocation and would require the board, if the petition is filed within a 30-day period, to reconsider the suspension or revocation and, if the licensee has so requested in the petition, grant the licensee an oral hearing. This bill would require a state or local law enforcement agency to notify the board of any violation over which the board has jurisdiction that involves a licensee or licensed premises, within 30 days of a final judgment.  
**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)
- SB 454      *Health counseling*  
Ortiz      Existing law provides for the creation of various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program, administered by the State Department of Health Services. This bill would require the board to adopt policies to establish standards for participating health plans to provide health counseling courses that promote nutrition education, increased physical activity, and participation in federal nutrition programs and would require the department to implement a program to provide to Medi-Cal beneficiaries counseling courses that promote nutrition education, increased physical activity, and participation in federal nutrition programs.  
**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)
- SB 479      *Childhood obesity mitigation*  
Lowenthal      Under existing law the Office of Multicultural Health, within the State Department of Health Services, serves as a resource for ensuring that programs keep data regarding multicultural health

issues, including child obesity. This bill would require the State Department of Health Services to establish the Childhood Obesity Mitigation Pilot Project, and would authorize local agencies and a children's hospital to participate in the pilot project. The bill would provide for the administration of the pilot project by a committee that consists of representatives of participating entities. This bill would establish the Childhood Obesity Mitigation Fund in the State Treasury, and would continuously appropriate moneys in the fund for the purposes of the bill.

**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)

SB 522  
Torlakson

*State property: vending machines*

Existing law regulates various aspects of the provision of food and beverages in vending machines, including access to carbonated beverages at schools, the giving of priority to blind persons with respect to the operation of vending facilities on state property, the sanitation of vending machines and requiring public health permits, and the placement of vending machines in safety roadside rests on the state highway system. This bill would require each vendor that operates or maintains a vending machine on designated state property to satisfy the requirement that at least 50% of the food and beverages offered in the vending machine meets accepted nutritional guidelines, as defined, and to provide to users, upon request, information about the nutritional value of food and beverages offered in the vending machine and procedures for requesting a change in vending machine offerings.

**Status:** To Coms. on Health and G.O. (last activity 3/3/05)

SB 559  
Torlakson

*Physical education: participation*

Existing law requires a pupil in grades 7 to 12, inclusive, to attend physical education courses for no less than 400 minutes each 10 schooldays. This bill would define a physical education class as one in which each pupil is required to actively participate.

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

SB 564  
Torlakson

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

(1) The Cigarette and Tobacco Products Tax Law imposes a tax on every distributor of cigarettes and tobacco products at specified rates, including additional taxes imposed under the Tobacco Tax and Health Protection Act of 1988 (Proposition 99), and the California Families and Children Act of 1998 (Proposition 10). This bill would, commencing January 1, 2006, impose an additional tax on the distribution of cigarettes at the rate of \$0.025 for each cigarette distributed. The revenues collected from these additional taxes would be deposited in the California Healthy Children Trust Fund that would be created by this bill. This bill, for the 2005-06 fiscal year and each fiscal year thereafter, would continuously appropriate the moneys in the California Healthy Children Trust Fund, as provided. The bill would also require that, for the 2006-07 fiscal year and each fiscal year thereafter, a prescribed amount of moneys from the fund be deposited in the Cigarette and Tobacco Products Surtax Fund and the Breast Cancer Fund to reimburse any losses that occur as a result of the imposition of the tobacco products tax that would be established under the bill. (2) Existing law requires that stamp and meter register settings be sold at their denominated values, less 0.85%, to licensed distributors. This bill would exclude from that provision the additional taxes on cigarettes and tobacco products proposed by this bill. (3) By imposing a new tax, this bill would result in a change in state taxes for the purpose of increasing revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

**Status:** To Com. on Health. Set for hearing April 13. (last activity 3/17/05)

SB 567  
Torlakson

*Education: child nutrition*

Existing law provides for the appointment by the State Board of Education of a 13-member Child Nutrition Advisory Council to recommend plans and guidelines for school and child care meal service and nutrition education programs. Existing law specifies the types of individuals who should be appointed to the council. This bill would increase the membership of the council from two members from 13 to 15. This bill would specify that the two new members be a school business official and a physical education and activity specialist. This bill would also make technical, nonsubstantive changes to existing law.

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

- SB 576  
Ortiz *Health care coverage: tobacco cessation services*  
Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the regulation of health care service plans by the Department of Managed Health Care and makes a violation of the act's provisions a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health care service plan and a health insurer are deemed to provide coverage for specified tests, including all generally medically accepted cancer screening tests. This bill would require certain health care service plan contracts and health insurance policies that provide outpatient prescription drug benefits to also provide coverage for tobacco cessation services, as specified.  
**Status:** To Coms. on B., F. & I. and Health. (last activity 3/3/05)
- SB 638  
Torlakson *After School Education and Safety Program*  
Existing law, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. Existing law provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program. Existing law allows the department to spend 1 1/2% of the appropriated funds to cover evaluation costs, to provide training and support, and to pay its costs of awarding and monitoring grants. The initiative statute authorizes the Legislature to amend certain of its provisions to further the purposes of the statute by majority vote of each house. This bill would require that the training and support provided by the department include, but not be limited to, the development and distribution of voluntary guidelines for physical activity programs, as specified. The bill would make findings and declarations of the Legislature that its provisions further the purpose of the act.  
**Status:** To Com. on Ed. (last activity 3/3/05)
- SB 656  
Romero *Taxation: alcoholic beverages*  
The Alcoholic Beverage Tax Law provides that taxes imposed by that law are in lieu of all county, municipal, or district taxes on the sale of beer, wine, or distilled spirits. This bill would provide an exception to this prohibition by authorizing the board of supervisors of a county, subject to certain conditions that include voter approval, to levy on a countywide basis, for revenue purposes only, a tax on the privilege of consuming beer, wine, and distilled spirits, as defined, purchased in a retail sale for consumption on the premises of the seller, at a rate of at least 1/8 of 1%, but not to exceed 5%, of the sale price, as provided. The bill would require the board of supervisors of a county either to notify the State Board of Equalization that the county will administer its tax on its own behalf or that it will contract with the State Board of Equalization to administer the tax, as provided. This bill would also specify that a tax imposed under those provisions shall conform to certain tax laws and not prohibit the concurrent application or administration of other taxes.  
**Status:** To Com. on Rev. & Tax. Set for hearing April 13. (last activity 3/17/05)
- SB 753  
Morrow *Pupils: confidential medical services: parental notification*  
Existing law authorizes a minor to obtain various medical, dental, mental health, and counseling services without the consent of his or her parent or guardian and requires the governing board of a school district to notify pupils and the parents or guardians of those pupils that school authorities may excuse a pupil from school to obtain confidential medical services without that consent. Existing law authorizes a school district to include that notice with any other notice made to a parent or guardian of a pupil pursuant to existing law. This bill would require a school district to send that notice separately, as specified.  
**Status:** To Com. on Ed. (last activity 3/10/05)
- SB 937  
Aanestad *Liability: obesity*  
Existing law provides that a manufacturer or seller is not liable in a product liability action if the product is a common consumer product intended for personal consumption and it is inherently unsafe and is known to be unsafe by the ordinary consumer who consumes the product with the ordinary knowledge common to the community, except as specified. This bill would provide that a manufacturer, distributor, or seller of food or nonalcoholic beverages intended for human

consumption shall not be subject to civil liability for personal injury or wrongful death based on an individual's consumption of that food or nonalcoholic beverages if liability is premised upon the individual's weight gain, obesity, or a health condition related to weight gain or obesity and resulting from his or her long-term consumption of food or nonalcoholic beverage that is in compliance with applicable statutory and regulatory requirements, except as specified.

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

SB 942  
Chesbro

*Cigarettes: pollution: litter*

Existing law, the Cigarette and Tobacco Products Tax Law imposes a tax on every distributor of cigarettes and tobacco products at specified rates, including additional taxes imposed under the California Families and Children Act of 1998 (Proposition 10), and the Tobacco Tax and Health Protection Act of 1988. This bill would enact the Cigarette Pollution and Litter Prevention Act of 2005 and would require a manufacturer on July 1, 2006, to pay a fee to the Department of Conservation for each package of cigarettes sold in the State of California during the previous 6 months. The bill would require each manufacturer to thereafter pay the fee based upon the number of packages of cigarettes sold in the state during the previous 6 months. The bill would require the department to notify each manufacturer of the amount due. The bill would require the fee to be in an amount that is not greater than specified costs mitigated by the bill. The bill would require the department to deposit the fees collected into the Cigarette Pollution and Litter Prevention Fund, which the bill would create in the State Treasury. The bill would authorize the revenues in the fund to be expended by the department and the State Department of Health Services, upon appropriation by the Legislature, for all specified purposes and programs, including to help offset state government, local government, and other public agency costs associated with the cleanup of cigarette litter and to mitigate cigarette related pollution, to develop and implement public education and outreach programs, to assist individuals to access and utilize smoking cessation services, to develop and implement community interventions, to reimburse the State Board of Equalization for its costs of administration and collection of the fee, and to provide for the costs of administering the act.

**Status:** To Com. on Env. Quality. Set for hearing April 11. (last activity 3/17/05)

SB 965  
Escutia

*Pupil nutrition: beverages*

Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils. Existing law restricts the sale of beverages to pupils at a middle or junior high school at specified times to certain specified beverages. This bill would restrict the sale of beverages to pupils at a high school at specified times to certain specified beverages.

**Status:** To Coms. on Ed. and Health. (last activity 3/17/05)

SB 981  
Poochigian

*Drugs: schools: enhancements*

Existing law known as the Juvenile Drug Trafficking and Schoolyard Act of 1988 imposes enhancements of 3, 4, or 5 years upon persons convicted of committing specified controlled substance offenses upon the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs. This bill would revise these provisions to rename them as the Juvenile Drug Trafficking and Schoolyard Protection Act of 1988.

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

SCR 4  
Torlakson

*Public health awareness*

This measure would encourage various government, community, school, and workplace activities in support of public health awareness and prevention of obesity and diabetes.

**Status:** Passed in Senate (36-0). To Assembly Com. on Health. (last activity 2/22/05)

## Division of Communicable Disease Control & Prevention

- AB 21  
Levine      *Pharmacists: contraceptive devices*  
Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. Under existing law, a violation of those provisions is a crime. This bill would prohibit a pharmacist from declining to dispense a contraceptive or emergency contraceptive.  
**Status:** Referred to Coms. on Health and B. & P. (last activity 2/15/05)
- AB 103  
Cohn      *School districts: contraceptives*  
Existing law requires the governing board of a school district to give diligent care to the health and physical development of a pupil. This bill would prohibit the governing board of a school district from prohibiting a licensed health clinic from entering upon, and dispensing contraceptives on, a schoolsite.  
**Status:** Referred to Com. on Ed. (last activity 1/27/05)
- AB 228  
Koretz      *Transplantation services: human immunodeficiency virus*  
Existing law, the Knox-Keene Health Care Service Plan of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a violation of the act a crime. Existing law also provides for the licensure and regulation of health insurers by the Department of Insurance. This bill would prohibit a health care service plan and a health insurer from denying coverage for the costs of organ or tissue transplantation services on the basis that the enrollee, subscriber, insured, or policyholder is infected with the human immunodeficiency virus, if that person is deemed an acceptable transplant candidate by the person's physicians.  
**Status:** Referred to Com. on Health. (last activity 2/15/05)
- AB 296  
Negrete  
McLeod      *Hepatitis C*  
The existing Hepatitis C Education, Screening, and Treatment Act requires the Director of Corrections to perform various functions and duties with respect to testing and treatment of individuals in the correctional system for hepatitis C. Existing law requires the director to provide the budget subcommittees of the Legislature, on or before March 1, 2002, with an annual statistical report on the prevalence of the hepatitis C virus in correctional facilities and trends in the incidence and prevalence of the hepatitis C virus in the correctional system. Existing law implements these provisions only to the extent funds for this purpose have been appropriated in the annual Budget Act. This bill would revise these provisions to also require the director to make treatment and testing for hepatitis C confidential and at no cost to the inmate and to make available comprehensive hepatitis C education for all prisoners.  
**Status:** Passed Com. on Pub. S. (6-0). Re-referred to Com. on Appr. with recommendation. To Consent Calendar. Re-referred. (last activity 3/16/05)
- AB 512  
Richman      *Clinical laboratories*  
Under existing law, the State Department of Health Services licenses and regulates clinical laboratories and clinical laboratory personnel. A violation of these provisions is a misdemeanor. Under existing law, the department may deny, suspend, or revoke a license or registration for specified reasons. This bill would also authorize the department to deny, suspend, or revoke a license or registration for failure to comply with specified infectious disease reporting requirements. Existing law authorizes the department to impose specified penalties in lieu of, or in addition to, revocation or suspension of a license or registration. This bill would also authorize the department to impose civil monetary penalties for failure to comply with specified infectious disease reporting requirements.  
**Status:** Referred to Coms. on B. & P. and Health. (last activity 3/14/05)
- AB 547  
Berg      *Clean needle and syringe exchange projects*  
Existing law authorizes pharmacists and physicians to furnish hypodermic needles and syringes without a prescription or permit for human use in the administration of insulin or adrenaline.



Existing law prohibits any public entity, its agents, or employees from being subject to criminal prosecution for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis. This bill would instead authorize cities, counties, or cities and counties to have a clean needle and syringe exchange project that, in consultation with the State Department of Health Service, authorizes this exchange, as recommended by the United States Secretary of Health and Human Services and as part of a network of comprehensive services.

**Status:** Referred to Com. on Health. (last activity 2/28/05)

AB 568  
Garcia

*Rapid HIV tests*

Existing law authorizes the State Department of Health Services, through its Office of AIDS and the authorized agents of the office, to participate in a rapid human immunodeficiency virus (HIV) test research program conducted with the federal Centers for Disease Control and Prevention, involving innovative HIV testing and counseling programs. Under the rapid HIV test research program, existing law authorizes the department to perform and report clinical test results using a rapid HIV test for diagnosis, prior to test approval by the federal Food and Drug Administration (FDA). However, existing law requires test performance and reporting to be done only to the extent allowed under that device's investigational approval by the FDA and pursuant to a California Health and Human Services Agency Institutional Review Board-approved research protocol. This bill would declare the Legislature's intent to enact legislation to allow FDA approved rapid HIV testing methods to be offered to women at annual obstetrics-gynecology appointments and at first prenatal appointments.

**Status:** From printer. May be heard in committee. (last activity 2/17/05)

AB 576  
Wolk

*The California State Immunization Information System and immunization reports*

Existing law requires the State Department of Health Services to submit a biennial report to the Legislature on the immunization levels of children in the state, steps taken to increase immunization levels and immunization education, and recommendations of a strategy and the funding that would be necessary to immunize all children in the state. This bill would state the intent of the Legislature that the Legislature and Governor will agree to fund the California State Immunization Information system by the 2007-08 fiscal year, and each year thereafter. The bill would also require the department to submit the biennial report on March 1, rather than March 15.

**Status:** From printer. May be heard in committee. (last activity 2/17/05)

AB 1074  
Chu

*HIV testing for foster children*

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

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

AB 1142  
Dymally

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

Existing law makes provision for programs relating to treatment of persons with the human immunodeficiency virus (HIV) and the acquired immune deficiency syndrome (AIDS). Under existing law, the Office of AIDS in the State Department of Health Services is the lead agency within the state responsible for coordinating state programs, services, and activities relating to HIV and AIDS, and AIDS-related conditions (ARC). This bill would establish a Statewide African-American HIV/AIDS Initiative to address the disproportionate impact of HIV/AIDS on the health of African-Americans by coordinating prevention and service networks around the state and increasing the

capacity of core service providers. The initiative would be implemented in 5 regional centers. The bill would establish the responsibilities and duties of the initiative. The bill would establish requirements for the office with respect to the initiative. The bill would require, until January 1, 2008, the initiative to be housed at the Office of AIDS, and by January 1, 2008, the initiative to establish itself as an independent nonprofit organization.

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

AB 1217  
Weyland

*Sexual health and HIV/AIDS prevention education*

The California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act authorizes school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive, and ensures that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined. The act requires comprehensive sexual health education to teach respect for marriage and committed relationships, and to teach the value of abstinence. This bill would, in addition, require comprehensive sexual health education to provide instruction and materials on sex outside of marriage, and on refraining from making and accepting unwanted physical and verbal sexual advances.

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

AB 1251  
Montanez

*Immunizations*

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

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

AB 1597  
Laird

*Drug paraphernalia*

With certain exceptions, existing law makes it a misdemeanor for a person to deliver, furnish, or transfer, possess with intent to deliver, furnish, or transfer, or manufacture with the intent to deliver, furnish, or transfer, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Existing law provides an exception to this general rule by authorizing a public entity, its agents, or employees to distribute hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis. This bill would make a technical, nonsubstantive change to existing law.

**Status:** Read first time. To print. (last activity 2/22/05)

AB 1677  
Koretz

*Corrections: condom distribution*

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

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

AB 1711  
Strickland

*Health facilities: immunizations*

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. Existing law regulates the procedures to be performed on a patient of a health

facility, including the administration of medication, upon the specific authorization in the patient medical record or a standing order prepared by authorized medical personnel. Existing regulations of the department authorize the use of standing orders for specified patients when authorized by a person licensed to prescribe and prohibit the use of standing orders in skilled nursing facilities. This bill would provide that standing orders for immunizations may be used in general acute care hospitals and skilled nursing facilities.

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

SB 221  
Runner

*AIDS Drug Assistance Program*

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

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

SB 235  
Denham

*HIV exposure: penalties*

Existing law makes it a felony for a person to expose another to HIV by engaging in unprotected sexual activity when the infected person knows at the time of the unprotected sex that he or she is infected with HIV, has not disclosed his or her HIV-positive status, and acts with the specific intent to infect the other person with HIV. Existing law makes that felony punishable by imprisonment in the state prison for 3, 5, or 8 years and specifies that evidence that the person had knowledge of his or her HIV-positive status, without additional evidence, is not sufficient to prove specific intent. This bill would revise the definition and penalty of that felony by deleting the requirement that the person act with specific intent to infect the other person with HIV. The bill would delete existing penalties for that crime and instead make the felony punishable by imprisonment in a county jail not to exceed one year or by imprisonment in a state prison.

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

SB 945  
Soto

*HIV testing*

Existing law authorizes the State Department of Health Services, through its Office of AIDS and the authorized agents of the office, to participate in a rapid human immunodeficiency virus test research program conducted with the federal Centers for Disease Control and Prevention. This bill would declare the Legislature's intent to enact legislation to require the department to collect HIV test results, for epidemiological purposes only, in a manner that satisfies the federal Centers for Disease Control and Prevention's need to ensure maximum accuracy of the data.

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

## Emergency Medical Services

- AB 211  
Cohn  
*Emergency services: disaster assistance: equipment*  
Existing law requires the Public Safety Radio Strategic Planning Committee to make recommendations for state agency purchase of communications equipment that will enable interoperability and other shared uses of public safety spectrum with local and federal agencies. This bill would specify that the recommended equipment be industry-standard, open-source, and nonproprietary.  
**Status:** Referred to Com. on G. O. (last activity 2/7/05)
- AB 254  
Nakanishi  
*Emergency medical services: automatic external defibrillators*  
Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, permits each county to establish an emergency medical services program under which the county is required to designate a local emergency medical services agency (EMS agency). The act authorizes the local EMS agency to implement a trauma care system if the system meets the minimum standards set forth in the regulations established by the Emergency Medical Services Authority and the authority has approved a plan. Existing law authorizes the authority to establish minimum standards for the training and use of automatic external defibrillators and requires persons or entities that acquire the defibrillators to comply with maintenance, testing, and training requirements, which are scheduled to change on January 1, 2008. Existing law, until January 1, 2008, provides immunity from civil damages for those persons or entities, and sets forth tenant notice and other requirements for building owners in which an AED is placed. This bill would make those tenant notice provisions applicable to commercial, residential, and industrial buildings, and would set forth principal or superintendent staff notice and other requirements for an AED placed in a public or private K-12 school.  
**Status:** Passed Com. on Ed. (10-0). To Consent Calendar. (last activity 3/16/05)
- AB 586  
Negrete  
McLeod  
*Medical disaster mobilization*  
Pursuant to the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, the Emergency Medical Services Authority is established within the California Health and Human Services Agency to administer the emergency medical services system to coordinate and integrate effective and efficient emergency medical services throughout the 58 counties of the state. The EMS Act, in part, requires that the authority develop planning and implementation guidelines for emergency medical services systems which address specified components, receive implementation plans from local EMS agencies, assess each EMS area, and to provide technical assistance to local agencies for the purpose of developing the components of the EMS systems. The EMS Act provides for coordination of services with other state agencies, establishes the Interdepartmental Committee on Emergency Medical Services to advise the authority in the regard, provides personnel standards, and provides for local administration of county EMS programs. Existing law requires the authority, in consultation with the Office of Emergency Services, to respond to any medical disaster by mobilizing and coordinating emergency medical services mutual aid resources to mitigate health problems. Existing law, the California Emergency Services Act, subdivides the state emergency services organizations into mutual aid regions, as defined, for the purpose of facilitating the coordination of mutual aid and other emergency operations. The law defines an operation area for this purpose as an intermediate level of state emergency services organizational, consisting of a county and all political subdivisions within a county. This bill would designate the operational area coordinator, in cooperation with various agencies, as the person responsible for ensuring the development of a medical and health disaster system, as defined.  
**Status:** Referred to Com. on Health. (last activity 2/28/05)
- AB 1050  
Gordon  
*Emergency receiving centers: demonstration project*  
Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to provide statewide coordination of local county EMS programs. Existing law establishes the State Department of Health Services and sets forth its powers and duties, including, but not limited to the licensing and regulation of health facilities, with

certain exceptions. Existing law establishes hospital requirements relating to emergency medical services, including, but not limited to a public notice requirement prior to reducing or eliminating emergency medical services, and signage provisions relating to facilities providing standby emergency services. This bill would require the department, in conjunction with the authority to establish a demonstration project to determine the potential impact emergency receiving centers would have upon the state's emergency medical services system and to report to the Legislature by May 1, 2009.

**Status:** Referred to Com. on Health. (last activity 3/7/05)

AB 1507  
Pavley

*Cardiac health: automatic external defibrillators: health studios*

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

**Status:** From printer. May be heard in committee. (last activity 2/25/04)

AB 1559  
Gordon

*Homeland Security Communications Interoperability Bond Act of 2005*

Existing constitutional and statutory provisions set forth procedures for the issuance of general obligation bonds. Under existing law, the Director of Homeland Security is the state coordinator of all homeland security activities, including strategy, information analysis related to terrorism, and protection of critical infrastructure from terrorism. The Public Safety Radio Strategic Planning Committee is established for the purpose of improving existing public radio systems and to develop interoperability among public safety departments, and between state public safety departments and local or federal entities. This bill would enact the Homeland Security Communications Interoperability Bond Act of 2005, which, if adopted, would authorize the issuance of bonds in the amount of \$5,000,000,000 pursuant to the State General Obligation Bond Law, for the purposes of financing the acquisition of equipment for, and implementing, a statewide communications interoperability system. The act would continuously appropriate funds from the sale of the bonds and make these moneys available for the purchase and acquisition of radio interoperability equipment by state and local agencies and for the costs of implementing a statewide communications interoperability system. The bill would provide for submission of the bond act to the voters at the next statewide election in accordance with specified law. The bill would declare that it is to take effect immediately as an urgency statute.

**Status:** From printer. May be heard in committee. (last activity 2/24/04)

SB 100  
Alarcon

*Medi-Cal reimbursement: emergency and trauma care*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care services. This bill would state the intent of the Legislature to increase Medi-Cal reimbursement to a more appropriate rate, particularly with respect to emergency and trauma care.

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

SB 104  
Ortiz

*Bioterrorism*

Existing law authorizes the Director of Health Services and local health officers to issue orders to enforce various health and safety requirements. This bill would make an order of a local health officer enforceable immediately by certain state or local peace officers. Existing law establishes

procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions of federal funding received for the prevention of, and response to, bioterrorist attacks and other public health emergencies. Existing law provides that these procedures apply only when local health jurisdictions are designated by a federal or state agency to manage the funds for public health preparedness and response to bioterrorist attacks and other public health emergencies, pursuant to a federally approved plan. Existing law also provides that federal funding received by the State Department of Health Services for bioterrorism preparedness and emergency response is subject to appropriation in the annual Budget Act commencing with the 2003-04 fiscal year. This bill would deem moneys made available in the 2004-05 Budget Act for bioterrorism preparedness available for expenditure and encumbrance until August 30, 2006.

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

SB 266  
Romero

*Emergency services*

Existing law, the California Emergency Services Act, sets forth the powers and duties of the Governor and other officers regarding mitigation of the effects of natural, man-made, or war-caused emergencies. Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to provide, among other things, statewide coordination of county EMS programs, and administration of the Trauma Care Fund. This bill would make technical, nonsubstantive changes.

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

SB 267  
Romero

*Emergency medical services: Trauma Care Fund*

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to, among other things, provide statewide coordination of county EMS programs, and to administer the Trauma Care Fund. This bill would make a technical, nonsubstantive change.

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

SB 279  
Cedillo

*Physicians and surgeons: emergency services*

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. Existing law requires emergency services and care to be provided to any person requesting the services or care, or for whom services or care is requested, for any condition in which the person is in danger of loss of life, or serious injury or illness, at any licensed health facility licensed that maintains and operates an emergency department to provide emergency services to the public when the health facility has appropriate facilities and qualified personnel available to provide the services or care. Existing law limits liability on the part of a licensed health facility, its employees, and other medical personnel under certain circumstances when emergency services are provided. This bill would prohibit a licensed physician and surgeon who contracts with an organization that links hospital emergency departments that need a physician with physicians who wish to provide emergency services and care to patients from being considered to be an employee or agent of either the hospital or the organization for any purpose.

**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)

SB 315  
Margett

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

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

**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)

- SB 339  
Dutton      *Emergency telephone systems*  
Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency, as defined, within its respective jurisdiction to establish and have in operation a basic system, or be part of a system, that automatically connects a person dialing "911" to an established public safety answering point through normal telephone service facilities. Existing law requires these systems to include police, firefighting, and emergency medical and ambulance services. This bill would require local public agencies operating an emergency telephone system to use primary safety answering points in a triage manner so that callers would receive those services needed or appropriate to the situation that caused the emergency telephone call.  
**Status:** Referred to Com. on E., U. & C. (last activity 3/3/05)
- SB 477  
Soto      *Emergency services: recovery process*  
Existing law, the Disaster Assistance Act, requires that the Director of the Office of Emergency Services provide financial assistance to local agencies for public real property that is damaged or destroyed by a disaster. This bill would require the office to establish a process with guidelines to be followed in order for a community to recover from an emergency or disaster and require that process to designate the office as the coordinator of the community recovery process until each local agency in a community determines that the office's assistance is no longer needed, provide training, require the office to be onsite as soon as practicable after an emergency or natural disaster occurs, require the office to coordinate the use of temporary services, authorize the office to coordinate the establishment of temporary structures, including local assistance centers, showers and bathroom facilities, and temporary administrative offices, and require the office to encourage the participation of nongovernmental organizations in the community recovery process to supplement recovery activities undertaken by federal or local agencies.  
**Status:** To Com. on G.O. (last activity 3/3/05)
- SB 499  
Alarcon      *Hospitals: emergency medical services elimination*  
Existing law generally requires any hospital that provides emergency medical services to, not later than 90 days prior to a planned reduction or elimination of the level of emergency medical services, provide notice of the intended change to the State Department of Health Services, the local government entity in charge of the provision of health services, and all health care service plans or other entities under contract with the hospital to provide services to enrollees of the plan or other entity. Violation of this requirement is a crime under existing law. This bill would require a hospital, prior to issuing notice to the department of a planned elimination of emergency medical services or closure of the hospital, to prepare a public health and safety report, to submit that report to the county supervisors and the local emergency medical services agency, and to make the report available to the public. The bill would require the report to include an analysis of the estimated number of relocated patient visits, the effect on city and county emergency wait and trauma care time, diversion, the demographics of the affected area, economic stability of the hospital, and notice of any viable plan to preserve the hospital as a health care facility.  
**Status:** To Com. on Health. Set for hearing April 13. (last activity 3/17/05)
- SB 546  
Dutton      *Office of Emergency Services: public-private partnerships*  
The California Emergency Services Act sets forth the duties of the Office of Emergency Services in overseeing and coordinating various emergency response programs in the state. This bill would require the office to take actions that are necessary to share facilities and systems that would, among other things, include private businesses and nonprofit organizations in a voluntary program that would integrate private sector emergency preparedness measures into governmental disaster planning programs to the extent that the cost of the program is reimbursed by the private sector. The bill would create the Disaster Resistant Communities Account in the General Fund and would require that all reimbursable costs be deposited in that fund for expenditure by the office for the costs associated with the program.  
**Status:** To Com. on G.O. (last activity 3/3/05)
- SB 748      *Emergency medical services: regional coordination*

Dunn Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to provide statewide coordination of local county EMS programs. This bill would declare the intent of the Legislature to amend this bill to include provisions that would create a system for coordinating emergency medical services on a regional basis.  
**Status:** To Com. on Rls. (last activity 3/10/05)

SB 941 *Emergency medical services fund*  
Alquist Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to provide statewide coordination of local county EMS programs. Existing law, authorizes a county to establish an emergency medical services fund for reimbursement of EMS related costs, and authorizes payments from the fund for unreimbursed emergency medical services performed on the calendar day on which the services are first performed and the immediately following 2 calendar days. Under existing law changes would become operative January 1, 2007, including, but not limited to, a prohibition against payments for services provided beyond a 48-hour period of continuous service to the patient. This bill will repeal the January 1, 2007, changes  
**Status:** To Com. on Health. (last activity 3/17/05)



## Family Health Services

AB 10  
Daucher *Inappropriate placement of disabled persons*  
Existing law provides for the licensing and regulation of health facilities, including general acute care hospitals and skilled nursing facilities, by the State Department of Health Services. This bill would require all private and public health facilities licensed as general acute care hospitals or skilled nursing facilities to take steps to comply with the United States Supreme Court decision in *Olmstead v. L.C. by Zimring* (1999) 527 U.S. 581, regarding community placement of disabled persons. This bill would require the Secretary of California Health and Human Services to adopt a statewide uniform patient assessment instrument and would require the facilities to adopt patient assessment procedures that are in compliance with that instrument.  
**Status:** Referred to Com. on Health. (last activity 1/6/05)

AB 109  
Chan *California Children and Families Program*  
(1) The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, First 5 California, with powers and duties relating to the administration of the act on a state level, and authorizes a county's board of supervisors to establish a county children and families commission to administer the act on a county level. Existing law requires county commissions, for each fiscal year, to receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the number of births recorded in all of the counties participating in the California Children and Families Program (for the same period), if certain requirements are met. This bill would add to these requirements (1) that the county commission, in a public hearing, adopt policies regarding conflict of interest of commission members and commission contracting and procurement policies, (2) that the county adopt a limit on the percentage of the county commission's operating budget that may be spent on administrative functions, pursuant to guidelines issued by the state commission, and (3) that the county commission adopt, in a public hearing, policies and processes establishing the salaries and benefits of employees of the county commission. Existing law requires each county commission to conduct an audit of, and issue a written report on the implementation and performance of, its functions during the proceeding fiscal year, and requires the state commission to prepare a written report that consolidates, summarizes, analyzes, and comments on the annual audits and reports submitted by all of the county commissions. This bill would require each county commission to submit in its audit report a list of all program areas funded and administrative costs incurred, in a format prescribed by the state commission if the state commission prescribes that format prior to the fiscal year in which it is to be utilized. The bill would require that the state commission's report include expenditures for both administration and program areas funded by the state and county commissions. It would also authorize the state commission to withhold funds that would otherwise be allocated to the county commission from the California Children and Families Trust Fund until a county commission submits data for the written report. This bill, in addition, would require the Controller to issue guidelines for expanded annual audits of each county commission and associated quality control functions, subject to funding by the state commission, and to present the final audit guidelines and implementation plan to the state commission on or before April 20, 2006. (2) The California Constitution provides that the Legislature may amend an initiative statute by another statute that becomes effective only when approved by the voters unless the initiative statute permits amendment without voter approval. The act provides that it may be amended only by a vote of 2/3 of the membership of both houses of the Legislature and that all amendments pursuant to this provision shall be to further the act and must be consistent with its purposes. This bill, in conformance with those requirements, would declare that its provisions further the act and are consistent with its purposes.  
**Status:** Passed Com. on Health (12-0). Re-referred to Com. on Appr. (last activity 3/15/05)

AB 116 *Child Health and Disability Prevention Program*

- Shirley Horton Existing law provides for the Child Health and Disability Prevention (CHDP) Program under the supervision of the State Department of Health Services, pursuant to which certain health and disability prevention treatment services are provided to eligible children. Existing law authorizes certain providers to participate in the program if approved by the community child health and disability program director in accordance with program standards and if certified by the department. This bill would expand the list of eligible providers to include a licensed physician, regardless of whether he or she is board certified, board eligible, or is separately enrolled in the Medi-Cal program as an individual or rendering provider, so long as he or she holds an unrestricted license to practice medicine or osteopathy, provides primary care services as a family practitioner, pediatrician, internist, or general practitioner, and delivers services as an employee or contractor of a clinic, as specified.  
**Status:** In Com. on Health. Set, first hearing. Hearing cancelled at the request of the author. (last activity 3/15/05)
- AB 172 Chan *Universal preschool*  
Existing law, the Child Care and Developmental Services Act, establishes various full- and part-time programs for a comprehensive, coordinated, and cost-effective system of developmental services for children to age 14 and their parents. Other existing law, the Kindergarten Readiness Pilot Program, permits, until January 1, 2011, school districts to participate in the program to provide kindergarten preparedness opportunities to increase a child's readiness for school. Existing law requires the Superintendent of Public Instruction to administer state preschool programs including part-time day and preschool appropriate programs for prekindergarten children 3 to 5 years of age. This bill would make certain findings and state the intent of the Legislature with regard to universal preschool. The bill would require the Superintendent of Public Instruction to report to the Legislature by January 1, 2007, on state preschool programs, with certain requirements.  
**Status:** Re-referred to Com. on Ed. (last activity 3/15/05)
- AB 291 Koretz *Postpartum mood and anxiety disorders: screening*  
Under existing law, the State Department of Health Services is required to maintain a program of maternal and child health, which is administered by the department's Maternal and Child Health Branch. Under existing law, the maternal and child health program includes, among other subjects, pregnancy testing, perinatal health care, and nutrition. This bill would include as a component of the department's program of maternal and child health a requirement that pregnant women and new mothers be screened for postpartum mood and anxiety disorders, at designated intervals. The bill would require a physician or other health care practitioner to review and discuss the screening tool with the patient. The bill would require the physician or other health care practitioner to present the patient with an information sheet on postpartum mood and anxiety disorders, developed or obtained by the department for distribution in accordance with the bill. This bill would provide for the assessment of an administrative fine against a physician or other health care practitioner who violates the bill's requirements, upon the second and subsequent complaints against the physician or other health care practitioner for the violation. The bill would require that all fines collected pursuant to the bill, upon appropriation by the Legislature, be credited to the Contingent Fund of the Medical Board of California to be used by the Office of Women's Health within the department for outreach services that provide information to women about postpartum mood and anxiety disorders.  
**Status:** Referred to Com. on Health. (last activity 2/22/05)
- AB 363 Chu *Child and Family Service Review System*  
Under existing law, the State Department of Social Services oversees the administration of county public social services, including child welfare services. Existing law requires the department to establish, by April 1, 2003, the California Child and Family Service Review System, in order to review, commencing January 1, 2004, all county child welfare systems. Existing law requires the department, beginning with the 2002-03 fiscal year, to report to the Assembly and Senate Budget Committees and appropriate legislative policy committees regarding the department's progress relating to federal and state child and family service reviews. This bill would revise the department's duty to report the above information to instead require the department to provide information to the designated legislative committees. The bill would add to the information required to be provided, to

include findings and recommendations for child welfare system improvements identified in county self-assessments and county system improvement plans, including common barriers that inhibit system improvements, and recommendations to overcome the barriers.

**Status:** Referred to Com. on Hum. S. (last activity 2/22/05)

AB 468  
Yee

*Interagency responsibilities over handicapped children: mental health assessments*

Existing law requires school districts, county offices of education, and special education local plan areas to comply with state laws that conform to the federal Individuals with Disabilities Education Act, in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. Existing law requires school districts, county offices of education, and special education local plan areas to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program. The law authorizes a local educational agency to refer a pupil suspected of needing mental health services to a community mental health service. This bill would require the local educational agency to obtain a copy of the community mental health service's standard assessment plan and provide the parent with an opportunity to consent to the assessment plan in advance, and would make conforming changes.

**Status:** Referred to Coms. on Health and Ed. (last activity 3/14/05)

AB 470  
Yee

*Mental health assessment and services for children*

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

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

AB 525  
Chu

*Health care*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law requires the State Department of Health Services to implement, as a Medi-Cal program benefit, a program to provide comprehensive clinical family planning services to any person who has a family income at or below 200% of the federal poverty level, as revised annually, and who is otherwise eligible to receive these services, to be known as the Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program. This bill would provide that certain individuals who are, or who would be, but for being pregnant at the time of application, eligible for Family PACT program benefits shall also be deemed to be eligible for additional pregnancy-related care, for cervical cancer screening and treatment, and for diagnostic and other treatment for certain other cancers that threaten reproductive capability. This bill would require the department to develop and implement an enrollment system and card for purposes of implementing this bill, to be known as the UniHealth Access Card by July 1, 2006.

**Status:** Referred to Com. on Health. (last activity 2/28/05)

- AB 624  
Montanez      *Medi-Cal program: Healthy Families Program: Child Health and Disability Prevention (CHDP) program*  
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health services to an eligible person. Existing law requires the department and the board to implement a program for preenrollment of children into the Medi-Cal program and the Healthy Families Program. Existing law establishes the Child Health and Disability Program (CHDP), administered by the department, to provide early and periodic assessments of the health status of children. This bill would require the department and the board to deem to have met the income documentation requirements for participation in the Healthy Families Program and the Medi-Cal program any child who meets the income eligibility requirements for participation in the CHDP program. Under existing law, benefits under the Medi-Cal program provided to an individual pursuant to a preliminary determination end, without the necessity for any further review or determination by the department, on or before the last day of the month following the month in which the preliminary determination was made, unless an application for medical assistance is filed on or before that date. If an application for medical assistance is filed before this deadline, preliminary benefits continue until the regular eligibility determination based on the application has been completed. Existing law requires the department to develop an electronic application to serve as the application for preenrollment into the Medi-Cal program or the Healthy Families Program and to also serve as an application for the CHDP program. This bill would require, by July 1, 2006, the department to modify the electronic preenrollment application process to additionally serve as an application for ongoing medical assistance for purposes of continuing to receive Medi-Cal benefits after termination of benefits received pursuant to a preliminary determination.  
**Status:** Referred to Com. on Health. (last activity 2/28/05)
- AB 686  
Chu            *Children's services*  
Existing law provides for the California Children's Services Program, which is administered by the State Department of Health Services and under which services are provided to physically handicapped children under 21 years of age. Under existing law, the State Director of Health Services establishes standards relating to local administration and minimum services to be offered by counties in conducting the program. Existing law requires all claims for services provided under the program to be submitted to the state fiscal intermediary for payment. This bill would provide that Medi-Cal edits applied to claims by the state fiscal intermediary that deny or reduce reimbursement shall not apply to claims for services authorized by the California Children's Services Program.  
**Status:** Referred to Com. on Health. (last activity 2/28/05)
- AB 696  
Chu            *Public social services: CalWORKs and Food Stamp Program*  
(1) Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Under existing law, the a county is required to make an annual redetermination of eligibility for purposes of CalWORKs benefits, and is additionally required to redetermine recipient eligibility and grant amounts on a quarterly basis. This bill would replace the quarterly redetermination requirement with a semiannual redetermination requirement, and would make conforming changes. Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program. This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill. (2) Existing law requires the department and the California Health and Human Services Agency Data Center to design, implement, and maintain a statewide fingerprint imaging system for use in connection with the determination of eligibility for benefits under the Food Stamp Program and other social services programs. This bill would delete this requirement. (3) Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households. Existing law also provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which

medical benefits are provided to public assistance recipients and other low-income persons. Under existing law, the State Department of Social Services is required to develop a program of categorical eligibility under the Food Stamp Program for persons receiving certain cash assistance for indigent persons. This bill would require the department to establish a similar categorical eligibility program for recipients of benefits under the Medi-Cal program, including appropriate referral services for eligible individuals. This bill would require the department to undertake various actions to improve the Food Stamp Program at the state and county levels with respect to customer service and performance standards, including, among other things, development of mail-in application procedures for the program. (4) Existing federal regulations limit participation in the Food Stamp Program to 3 months during any 3-year period, unless a designated exemption, waiver, or other exception applies. This bill would require the department to seek a waiver from the Food and Nutrition Service of the United States Department of Agriculture of the 3-month time limit for participation in the Food Stamp Program, in accordance with federal regulations. The bill would require the waiver to apply statewide or to applicable counties, based on the supporting data that is provided by the department.

**Status:** Referred to Com. on Hum. S. (last activity 3/14/05)

AB 711  
Chan

*Healthy Families Program*

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

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

AB 772  
Chan

*California for Healthy Kids Program*

Existing law establishes programs to provide health care benefits to children, including the Healthy Families Program and the Medi-Cal program. This bill would express the Legislature's findings concerning the importance of providing health care coverage to all children in the state and its intent to establish the California for Healthy Kids Program to provide children from birth to 21 years of age access to affordable health care coverage.

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

AB 855  
Bass

*CalWORKs*

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families. Existing law provides for the Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households. Under federal law, an individual convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance, as defined, shall not be eligible for assistance under any state program funded under provisions of federal law regarding the TANF program or benefits under the Food Stamp Program or any state program carried out under the Food Stamp Act of 1977. Existing law authorizes a state to exempt any or all individuals domiciled in the state from the application of those prohibitions. Existing law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined under federal law or the California Uniform Controlled Substances Act, is ineligible for aid under the CalWORKs program or

the Food Stamp Program. This bill would, instead, provide that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive CalWORKs or food stamp benefits if he or she meets certain conditions of eligibility. By revising standards of eligibility for benefits under the CalWORKs program and the Food Stamp Program, this bill would increase the responsibilities of counties, and would impose a state-mandated local program. Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program.

**Status:** Referred to Com. on Hum. S. (last activity 3/3/05)

AB 1179

Yee

*Community care facilities: foster children: injections*

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

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

AB 1378

Lieber

*Developmental services facilities*

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the monitoring of services. Existing law requires the department to develop a plan for the proposed closure of any developmental center. This bill would authorize the department to operate any facility or provide employees to assist in the operation of any facility or to assist in meeting the goal of providing services and supports to persons with developmental disabilities. Existing law sets forth the rules relating to the liability of government agencies for tort injury caused by the action or omission of its officers or employees, including, but not limited to, the operation of mental institutions or medical facilities. This bill would define "mental institution" or "medical facility" for this purpose to also include a developmental services facility, as defined.

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

AB 1396

Garcia

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

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

**Status:** Referred to Com. on Health. (last activity 3/14/05)

AB 1533

Bass

*Health care coverage*

Existing law governs the licensure and regulation of health care service plans and insurers, and makes a violation of the provisions governing health care service plans a crime. Existing law defines a "late enrollee" as an eligible employee or dependent who has declined health coverage under the health benefit plan offered through employment or sponsored by an employer at the time of the initial enrollment period provided under the terms of the health benefit plan and who subsequently requests enrollment in that plan. Existing law provides exceptions under which an eligible employee or dependent is not considered a late enrollee. This bill would add to those exceptions an individual, or

his or her dependent, who has lost or will lose Healthy Families Program coverage and who requests enrollment within 30 days after termination of coverage.

**Status:** From printer. May be heard in committee. (last activity 2/23/05)

- AB 1535 *Developmental services*  
Bass Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the monitoring of services. This bill would require the department to generate annual reports that set forth expenditures for the purchase of services and denials of eligibility for the prior fiscal year for each regional center aggregated by race and ethnicity of the consumers, would require the department to post the information on its Web site, and would require the regional center to submit related information.  
**Status:** Referred to Com. on Hum. S. (last activity 3/14/05)
- AB 1633 *Foster children: social security assistance*  
Evans Existing law provides for the placement of certain children in foster care under the custody of the State Department of Social Services. Existing law, the federal Social Security Act, provides for benefits for eligible beneficiaries, including survivorship benefits and supplemental security income benefits for, among others, blind and disabled children. The act authorizes a person or entity to be appointed as a representative payee for a beneficiary who cannot manage or direct the management of his or her money. This bill would require the department to establish and maintain a social security assistance program for eligible children who are in the department's custody. The bill would require the department to assist in the application process for an eligible foster child, and to apply to be appointed the child's representative payee. It would further require the department to establish a maintenance account and a dedicated account for each child, to contain proceeds from Social Security Act benefits each of which would only be used for the purposes set forth in the bill. The bill would require the department to reserve a child's social security benefits for 90 days prior to his or her 18th birthday, and to transfer those benefits to the child to assist in the transfer to independent living. The bill would require the department to make findings and recommendations regarding establishing eligibility for social security benefits for children under the state's care.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)
- AB 1642 *Healthy Start Support Services for Children Act*  
Salinas The Healthy Start Support Services for Children Act was established to provide assistance, as specified, to children in need of that assistance to overcome the barriers to healthy and productive lives. This bill would make technical, nonsubstantive changes to provisions of law relating to that program.  
**Status:** From printer. May be heard in committee. (last activity 2/23/05)
- AB 1645 *Regional center services*  
Matthews Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families. This bill would make a technical, nonsubstantive changes.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)
- AB 1667 *Pupil health : individuals with exceptional needs: specialized physical health care services*  
Saldana Existing law provides that any individual with exceptional needs who requires specialized physical health care services, as defined, during the regular schoolday, may be assisted by certain specified individuals. This bill would make technical, nonsubstantive changes to those provisions.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)
- AB 1689 *EPSDT services*  
Lieber Existing law provides for the Medi-Cal program, which is administered by the State Department of

Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law provides for the Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT), which provides certain mental health and other medical services to Medi-Cal beneficiaries and other qualified persons. Under existing law, each county contracting with the state for the provision of mental health services for certain children is required to have in place, with qualified mental health personnel, various elements of a program to provide mental health services to eligible children. This bill would require any participating county contracting with a provider for EPSDT services to include in the contract terms and conditions in which the contracting county agrees to pay for those services provided by the contractor to residents of another county, and would provide for the reimbursement of counties that pay for those services for children who are not residents of the county.

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

AB 1701

Bass

*Birth Defects Monitoring Program: fees*

Existing law establishes the Health Statistics Special Fund, provides for deposit of prescribed fees into the fund, and sets forth the purposes for which the fund may be expended, upon appropriation by the Legislature, including, but not limited to, building a data system that will support new programs. Under existing law a bill that makes changes in state taxes for the purpose of increasing revenue requires approval by 2/3 vote of each house of the Legislature. This bill would establish the Birth Defects Monitoring Program, would require the assessment of an additional \$2 for every certified copy of a birth certificate, thereby imposing a state tax for purposes of increasing revenue. The bill would require deposit of the revenue into the Birth Defects Monitoring Account within the fund, and would authorize the State Department of Health Services to develop grant protocols for use of those funds.

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

SB 23

Migden

*Healthy Families Program and Medi-Cal*

Existing law requires the Employment Development Department to administer the unemployment compensation system, under which employers pay contributions to the department to fund the system. The department also collects other amounts from employers, including remittances of personal income taxes withheld by employers from employees. Existing law also provides that specified duties be performed by the State Department of Health Services, including those associated with the administration of the Medi-Cal program. Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health care services to children less than 19 years of age who meet certain criteria, including having a limited gross household income. Existing law requires families with children participating in the program to pay specified family contribution amounts. This bill would require the board to develop an informational document that may be referred to as the "Healthy Families/Medi-Cal Workplace Notice," containing certain information about the Healthy Families Program and Medi-Cal. The bill would require the Employment Development Department to notify employers, as specified, who would be required to provide the notice to their employees. This bill would also require the board to establish processes that would allow an employer to elect to allow employees to have the family contribution payments for health care coverage under the Healthy Families Program deducted from the employee's pay and transmitted to the board by the employer, or to have the contribution payments transferred from a designated financial institution to the board. The bill would also require the department to enter into an interagency agreement with the board to implement these provisions and to enter into an interagency agreement with the board, in collaboration with the State Department of Health Services, to pursue outreach and marketing activities to encourage participation in the Healthy Families Program and Medi-Cal. This bill would require the State Department of Health Services to provide information about the Healthy Families Program to persons who request it. The bill would require the board and the State Department of Health Services annually through December 31, 2007, to evaluate jointly the effectiveness of outreach and marketing efforts directed at increasing enrollment in the Healthy Families Program and Medi-Cal, and to report to the Legislature.

**Status:** To Com. on B., F., & I. Set for hearing April 6. (last activity 3/17/05)



- SB 34  
Florez *Children and family health programs*  
(1) The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, First 5 California, with powers and duties relating to the administration of the act on a state level, and authorizes a county's board of supervisors to establish a county children and families commission to administer the act on a county level. Existing law provides for the composition of a county commission including a requirement that certain members be appointed who hold positions with the county and other members be appointed from various categories of persons. This bill would require that the majority of the membership of the commission consist of persons who do not represent the county. This bill would also grant the commission full discretion with respect to the manner of selection and appointment of its chairperson.  
**Status:** Passed Com. on L. Gov. (4-2). Read second time. To third reading. (last activity 3/17/05)
- SB 35  
Florez *California Children and Families Program*  
The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, First 5 California, with powers and duties relating to the administration of the act on a state level, and authorizes a county's board of supervisors to establish a county children and families commission to administer the act on a county level. Existing law requires county commissions, for each fiscal year, to receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the number of births recorded in all of the counties participating in the California Children and Families Program (for the same period), if certain requirements are met. This bill would add to these requirements (1) that the county commission, in a public hearing, adopt policies regarding conflict of interest of commission members and commission contracting and procurement policies, (2) that the county adopt a limit on the percentage of the county commission's operating budget that may be spent on administrative functions, and (3) that the county commission adopt, in a public hearing, policies and processes establishing the salaries and benefits of its employees. Existing law requires each county commission to conduct an audit of, and issue a written report on the implementation and performance of, its functions during the proceeding fiscal year, and requires the state commission to prepare a written report that consolidates, summarizes, analyzes, and comments on the annual audits and reports submitted by all of the county commissions. This bill would require each county commission, on or before November 1 of each year, to submit in its audit report a list, by category, of all program areas funded, in a format prescribed by the state commission if the state commission prescribes that format prior to the fiscal year in which it is to be utilized. The bill would require that the state commission's report include a listing, by category, of the aggregate expenditures on program areas funded by the state and county commissions. It would also authorize the state commission to withhold funds that would otherwise be allocated to the county commission from the California Children and Families Trust Fund in the event a county commission does not submit data for the written report. This bill, in addition, would require the Controller to issue guidelines for expanded annual audits of each county commission and associated quality control functions, subject to funding by the state commission, and to present the final audit guidelines and implementation plan to the state commission on or before April 30, 2006.  
**Status:** Passed Com. on L. Gov. (6-1). Re-referred to Com. on Appr. (last activity 3/8/05)
- SB 38  
Alquist *Healthy Families Program*  
(1) Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health services to an eligible person. Existing law provides that a child less than 19 years of age meeting specified requirements, including coming from a family with an annual or monthly household income equal to or less than 200% of the

federal poverty level is an eligible person. Existing law also provides that all income over 200% of the federal poverty level, but less than or equal to 250%, is to be disregarded in calculating annual or monthly household income. This bill would instead provide that income over 200% of the federal poverty level but less than or equal to 300% is to be disregarded in calculating annual or monthly household income. (2) Existing law creates the Healthy Families Fund, which is continuously appropriated to the board for the purposes of funding the Healthy Families Program. Because this bill would result in increased expenditures from the fund by expanding eligibility under the Healthy Families Program, the bill would make an appropriation.

**Status:** To Com. on B., F., & I. Set for hearing April 6. (last activity 3/17/05)

SB 147  
Runner

*Fetal pain prevention*

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

**Status:** To Com. on Health. Set for hearing April 13. (last activity 3/17/05)

SB 377  
Ortiz

*Healthy Families Program*

Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health services to eligible persons who meet certain household income requirements. Existing law provides that all income over 200% but less than 250% of the federal poverty level shall be disregarded in calculating household income for coverage of certain infants. This bill would instead provide that all income over 200% but less than 275% of the federal poverty level shall be disregarded for the coverage of these infants.

**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/17/05)

SB 436  
Migden

*Foster care: transitional housing*

Existing law provides that a person less than 21 years of age who has emancipated from a county that has elected to participate in a transitional housing placement program for youths between 18 and 21 years of age who meet certain conditions, shall also be eligible for a county transitional housing placement program that provides supervised housing services. Existing law establishes the Transitional Housing for Foster Youth Fund, which is continuously appropriated for purposes of paying the state share of the cost relating to transitional housing services for eligible emancipated foster youth. This bill would require the State Department of Social Services to issue an all-county directive that outlines the process by which a county may obtain access to moneys from the Transitional Housing for Foster Youth Fund. The bill would also require a county that provides transitional housing placement services to eligible youth to set aside 5% of available units in the county for pregnant or parenting emancipated foster youth, or the percentage of units that reflects the demonstrated percentage of eligible pregnant or parenting emancipated foster youth, whichever is less.

**Status:** To Com. on Hum. S. Set for hearing April 12. (last activity 3/7/05)

SB 437  
Escutia

*California for Healthy Kids Program*

Existing law creates various public programs to provide health care coverage to eligible children meeting certain household income requirements, including the Healthy Families Program administered by the Managed Risk Medical Insurance Board. This bill would state the Legislature's intent to create the California for Healthy Kids Program to provide children living in California from birth to 21 years of age access to affordable health insurance coverage.

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

SB 456

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

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

**Status:** To Com. on Health. Set for hearing March 30. (last activity 3/14/05)

SB 500  
Kuehl

*AFDC-FC: pregnant and parenting foster youth*

Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court, including in cases of abuse or neglect, or failure of a parent or guardian to adequately supervise or protect the child. Existing law declares that a parent's or guardian's physical disability is only relevant to a court's determination to the extent that the parent's disability prevents him or her from exercising care or control. This bill would additionally declare that a child whose parent has been adjudged a dependent child of the court shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent. Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Under existing law, federal financial participation is available for certain children who have been adjudged dependent children or wards of the court, or who have been detained under a court order. This bill would additionally authorize federal financial participation for a dependent child of the court whose parent is also a dependent child of the court who is receiving AFDC-FC benefits, if the parent and child are placed in the same foster care facility and are receiving reunification services, and the child is determined to be eligible for federal financial participation. By creating a new category for AFDC-FC eligibility, and thereby increasing county administration duties for the AFDC-FC program, by expanding AFDC-FC eligibility the bill would impose a state-mandated local program. Because General Fund moneys are continuously appropriated for purposes of the AFDC-FC program, by expanding AFDC-FC eligibility the bill would constitute an appropriation.

**Status:** To Com. on Hum. S. Set for hearing April 12. (last activity 3/7/05)

SB 654  
Runner

*Healthy Families Program*

Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health services to eligible persons. This bill would make a nonsubstantive change to these provisions.

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

SB 749  
Speier

*Health care coverage: pervasive developmental disorders*

The Knox-Keene Health Care Service Act of 1975, the willful violation of which is a crime, provides for the licensing and regulation of health care service plans by the Department of Managed Health Care. Existing law provides for the licensing and regulation of disability insurers by the Department of Insurance. Existing law requires a health care service plan contract or disability insurance policy issued, amended, or renewed on or after July 1, 2000, to provide coverage for the diagnosis and

medically necessary treatment of severe mental illness, as defined, of a person of any age, and of serious emotional disturbances of a child, under the same terms and conditions, with specified exceptions. This bill would require a health care service plan or a disability insurer to cover the diagnosis of pervasive developmental disorders or autism that follows current best practice standards developed by the Department of Developmental Services. The bill would also require the Department of Managed Health Care Services and the Department of Insurance, in conjunction with each other, to enact regulations specifying how a health care service plan or disability insurer and a separate specialized health care service plan or mental health plan may determine responsibility for reimbursement of these diagnostic services.

**Status:** To Coms. on B., F. & I. and Health. (last activity 3/10/05)

SB 811  
Ortiz

*Infant and child health*

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

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

SB 869  
Bowen

*Visiting nurse program*

Visiting nurse program. Existing law provides for the implementation of a community-based system of perinatal care for eligible women and infants administered by the State Department of Health Services. This bill would require the State Department of Health Services to establish and implement a program to make grants to eligible participating counties for the provision of voluntary visiting nursing services to first-time low -income mothers. This bill would appropriate \$3,500,000 from the General Fund to the department for the purposes of this bill.

**Status:** To Com. on Health. Set for hearing April 13. (last activity 3/17/05)

SB 1043  
Hollingsworth

*Schools: health and family life instruction*

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

**Status:** To Com. on Ed. and Jud. (last activity 3/17/05)

## Public Health Administration

- AB 28 *Public health care*  
Nakanishi Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. The Medi-Cal program is, in part, governed and funded by federal medicaid provisions. This bill would express the Legislature's intent to ensure that health care providers who contract to provide medical services to underserved populations as agents of the state are provided liability protection by the state.  
**Status:** From printer. May be heard in committee. (last activity 12/7/04)
- AB 53 *State agency consolidation*  
Negrete Existing law requires state agencies to conduct ongoing performance reviews to, among other things, reduce the costs of state government and plan for the effective administration of government programs. This bill would declare the Legislature's intent to build upon efforts to, eliminate governmental waste and inefficiency, consolidate 5 separate state agencies into a single entity with specified responsibilities, create an Office of Management and Budget with responsibility for the state's fiscal affairs, personnel management, and procurement systems, and consolidate the Teale Data Center and the Health and Human Services Data Center.  
McLeod **Status:** From printer. May be heard in committee. (last activity 12/7/04)
- AB 65 *Medi-Cal: health care benefits*  
Daucher Existing law authorizes a county or counties to establish, by ordinance, a special commission in order to meet the problems of the delivery of publicly assisted medical care and to demonstrate ways of promoting quality care and cost efficiency, and to negotiate an exclusive contract with the California Medical Assistance Commission to provide or arrange for the provision of health care services provided under the Medi-Cal program. This bill would additionally authorize a county, by ordinance, to authorize the special commission to provide delivery systems for persons eligible to receive health care services under the Medicare program and under both the Medi-Cal program and Medicare program. This bill would require a special commission providing delivery systems pursuant to this provision to obtain a license under the Knox-Keene Health Care Service Plan Act under certain circumstances, to conform to applicable state licensing and freedom of choice requirements as directed by the federal Centers for Medicare and Medicaid Services, and to provide notice that includes eligibility and enrollment information for those persons who are dually eligible to receive medical benefits under both the Medi-Cal program and the Medicare program.  
**Status:** Passed Com. on Health (14-0). Referred to Com. on Appr. (last activity 3/16/05)
- AB 71 *Pharmaceuticals: adverse drug reactions: Office of California Drug Safety Watch*  
Chan Existing law, the Sherman Food, Drug, and Cosmetic Law, regulates the packaging, labeling, and advertising of food, drugs, and cosmetics, under the administration of the State Department of Health Services. This bill would establish the Office of California Drug Safety Watch within the department and would require the office to establish a toll-free telephone number for the purpose of receiving reports of adverse drug reactions, establish a Web site to provide up-to-date information to the public about adverse drug reactions, maintain a database of adverse drug reaction reports, and act as a liaison with all appropriate parties to ensure the speedy and accurate flow of information about important drug safety issues.  
**Status:** Re-referred to Com. on Health. (last activity 2/11/05)
- AB 72 *Prescription drugs: manufacturer reporting requirements*  
Frommer Existing law regulates the labeling, sale, and use of prescription drugs and devices. This bill would require a prescription drug manufacturer that offers for sale, transfers, or otherwise furnishes prescription drugs to any person or entity in this state to submit a report to the State Department of Health Services of health studies that have been or are being conducted by or on behalf of that manufacturer pertaining to those drugs. The bill would require the report to be consistent with federal laws applicable to information disseminated by drug manufacturers to a state governmental

agency.

**Status:** Referred to Coms. on Health and Jud. (last activity 1/18/05)

AB 73  
Frommer

*Prescription drugs: importation: procurement*

Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of the packaging, labeling, and advertising of food, drugs, devices, and cosmetics, under the administration of the State Department of Health Services. Existing law, the Pharmacy Law, provides that any pharmacy located outside of this state that delivers, in any manner, controlled substances, dangerous drugs, or dangerous devices into this state is considered a nonresident pharmacy and requires a nonresident pharmacy to register with the California State Board of Pharmacy and comply with all lawful directions of, and requests for information from, the state in which it is a resident. Existing federal law requires any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug that is imported or offered for import into the United States to register with the federal Secretary of Health and Human Services, report a list of each drug introduced for commercial distribution, and provide required information and statements. This bill would establish the California Rx Prescription Drug Web Site Program. The bill would require the State Department of Health Services to administer the program and establish a Web site on or before July 1, 2006, to provide information to California residents about options for obtaining prescription drugs at affordable prices. The bill would require that the Web site, at a minimum, provide information about, and establish electronic links to, certain federal, state, and pharmaceutical programs, pharmacies that are located in Canada, the United Kingdom, and Ireland and that meet specified requirements, and other Web sites. This bill would authorize the department to assess a fee on international pharmacies that the department reviews for possible inclusion on the Web site to offset the cost of reviewing those pharmacies. The bill would require the department's Web site to include price comparisons of prescription drugs, including prices charged by licensed pharmacies in the state and international pharmacies that provide mail order service to the United States and whose Web sites are linked to the department's Web site.

**Status:** From committee chair, with author's amendments. Amend, and re-refer to Com. on Health. Read second time and amended. (last activity 3/17/05)

AB 74  
Gordon

*California Rx Prescription Drug Hotline*

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

**Status:** Referred to Coms. on Health and B. & P. (last activity 1/18/05)

AB 75  
Frommer

*Pharmaceutical assistance program*

Under existing law, the State Department of Health Services administers the Medi-Cal program, and is authorized, among other things, to enter into contracts with certain drug manufacturers. Under existing law, the department is entitled to drug rebates in accordance with certain conditions, and drug manufacturers are required to calculate and pay interest on late or unpaid rebates. This bill would establish the California Rx Plus State Pharmacy assistance Program, to be administered by the department. The bill would authorize the department to negotiate drug rebate agreements with drug manufacturers to provide for program drug discounts. The bill would authorize any licensed pharmacy or drug manufacturer to provide services under the program. The bill would establish eligibility criteria and application procedures for California residents to participate in the program. The bill would establish the California Rx Plus Program Fund, as a continuously appropriated fund, into which all payments received under the program would be deposited, with this fund to be used for the purpose of implementing the program. The bill would transfer \$5,000,000 from the General Fund to the California Rx Plus Program Fund, thus constituting an appropriation.

**Status:** Referred to Coms. on Health and B. & P. (last activity 1/18/05)

- AB 76  
Frommer *Office of Pharmaceutical Purchasing*  
Existing law authorizes the Department of General Services to enter into contracts on a bid or negotiated basis with manufacturers and suppliers of single source or multisource drugs, and authorizes the department to obtain from them discounts, rebates, or refunds as permissible under federal law. Existing law requires 4 state agencies to participate in the program and authorizes other state, local, and public agency governmental entities to elect to participate in the program. Existing law grants the Department of General Services authority with respect to contracting with a pharmaceutical benefits manager or other entity and exploring additional strategies for managing drug costs. This bill would repeal these provisions. The bill would instead establish within the California Health and Human Services Agency the Office of Pharmaceutical Purchasing with authority and duties to purchase prescription drugs for state agencies similar to that granted to the Department of General Services under the above-described provisions. The bill would also, however, require the office to be the purchasing agent for additional state entities and the bill would authorize the office to conduct specified activities in order to negotiate the lowest prices possible for prescription drugs. The bill would require the office, on or before February 1, 2007, to submit a report containing specified information to certain committees of the Legislature regarding the program.  
**Status:** Referred to Coms. on Health and B. & P. (last activity 1/18/05)
- AB 78  
Pavley *Pharmacy benefits management*  
This bill would define the term "pharmacy benefits management" as the administration or management of prescription drug benefits. The bill would also define the term "pharmacy benefits manager" as an entity that performs pharmacy benefits management. The bill would require a pharmacy benefits manager to make specified disclosures to its purchasers and prospective purchasers, including specified information about the pharmacy benefit manager's revenues and its drug formularies, and to make specified disclosures to the public upon request. The bill would also establish certain standards and requirements with regard to pharmacy benefits management contracts and the provision of certain drugs. The bill would impose certain requirements on the membership of a pharmacy and therapeutics committee for a pharmacy benefits manager. The bill would also require a pharmacy benefits manager to meet certain conditions before substituting a prescribed medication.  
**Status:** Referred to Coms. on Health and B. & P. (last activity 1/18/05)
- AB 89  
Jerome  
Horton *Health care: employer coverage: disclosure*  
Existing law provides for various health programs under which qualified low-income persons are provided health care services. These programs include the Medi-Cal program which is administered by the State Department of Health Services, and the Healthy Families Program, and the Access for Infants and Mothers Program, which are administered by the Managed Risk Medical Insurance Board. This bill would require the department and the board to require that all applicants for benefits under these health programs identify the employer or employers of the proposed beneficiary or, in some cases, the employer or employers of any adult who is responsible for providing all or some of the proposed beneficiary's support. The bill would require the department and the board to collaborate to, on or before January 15 of each year transmit to the Legislature a report identifying all employers identified under the application requirements of the bill who employ 25 or more persons who are beneficiaries or who support beneficiaries of these programs. The bill would also require the department and the board to make the report available to the public as provided in the bill.  
**Status:** Passed to Com. on Health (10-4). Referred to Com. on Appr. (last activity 3/15/05)
- AB 95  
Koretz *Prescription drugs: Medi-Cal*  
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law requires the department to administer the AIDS Drug Assistance Program. Under existing law, the department subsidizes the cost of drugs for AIDS for persons who do not have private health coverage, are not eligible for Medi-Cal, or cannot afford to purchase the drug privately. This bill would establish a program that would require manufacturers of

drugs for life-threatening chronic conditions that are on the list for Medi-Cal or the AIDS Drugs Assistance Program to pay the department a rebate equal to the costs of marketing that drug. The bill also would require these manufacturers to disclose to the department all costs incurred in the marketing of the drugs to consumers and physicians.

**Status:** Referred to Com. on Health. (last activity 1/24/05)

AB 126  
Dymally

*County hospitals: indigent services*

Existing law requires that prior to (1) closing, (2) eliminating or reducing the level of medical services provided by, or (3) leasing, selling, or transferring management of, a county facility, the county board of supervisors shall provide public notice of public hearings to be held by the board prior to its decision to proceed. Notwithstanding the board's closing of, the elimination of or reduction in the level of services provided by, or the leasing, selling, or transfer of management of, a county facility, existing law requires the county to fulfill its duty to provide care to all indigent people, either directly through county facilities or indirectly through alternative means. This bill, the Bielensohn Fair Hearing Act of 2005, would require a county board of supervisors, at least 60 days prior to closing a county hospital or other county medical facility, eliminating an area of service of a county hospital or other county medical facility, or reducing the level of services provided to indigent people as of January 1, 1975, or prior to leasing, selling, or transferring the management of a county hospital or other county medical facility, to file with the State Department of Health Services and the appropriate areawide voluntary health planning agency a description of the county's existing facilities and services, the board's proposal for changing those facilities or services, and a copy of any contracts, agreements, or arrangements with any facility or individual to provide services to indigent people, thereby imposing a state-mandated local program. The bill would require the department to submit annually to the Legislature a report summarizing those county filings.

**Status:** Referred to Com. on Health. (last activity 1/24/05)

AB 218  
Maze

*Income tax credit: qualified medical care professionals*

The Personal Income Tax Law authorizes various credits against the taxes imposed by that law. This bill would authorize a credit against the personal income taxes for each taxable year beginning on or after January 1, 2005, and before January 1, 2010, in an amount equal to 6.5% of the amount received by a qualified medical care professional, as defined, for treating Medi-Cal beneficiaries in a qualified county, as defined.

**Status:** From committee chair, with author's amendments. Re-referred to Com. on Rev. & Tax. (last activity 3/9/05)

AB 306  
Baca

*Purchasing pools for prescription drugs*

Existing law authorizes the Department of General Services to administer a coordinated prescription drug bulk purchasing program under which the department may enter into contracts on a bid or negotiated basis with manufacturers and suppliers of single-source or multisource drugs and obtain from them discounts, rebates, and refunds as permissible under federal law. Existing law requires certain state agencies to participate in the program and authorizes any other state, local, and public agency governmental entity to elect to participate in the program. This bill would state the intent of the Legislature to enact legislation that would establish a prescription drug purchasing pool that would bring down prescription drug costs of many Californians by allowing employer health plans and the uninsured to join with state and local governments and school districts in the purchase of prescription drugs.

**Status:** From printer. May be heard in committee. (last activity 2/10/05)

AB 321  
Maze

*Mental Health Services Fund*

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



and further the purposes of the act. Existing law also permits amendment by majority vote of the Legislature to clarify procedures and terms. This bill would make a technical, nonsubstantive change.

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

AB 360  
Frommer

*Skilled nursing facilities*

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. Existing law provides for the imposition each state fiscal year upon the entire gross receipts of certain intermediate care facilities a quality assurance fee, as a condition of participation in the Medi-Cal program. Existing law, as long as prescribed conditions are met, provides for the imposition of a quality assurance fee on each skilled nursing facility, with some exemptions, to be administered by the Director of Health Services and deposited in the State Treasury to be available to enhance federal financial participation in the Medi-Cal program or to provide additional reimbursement to, and support facility quality improvement efforts in, licensed skilled nursing facilities. Existing law requires the department to request federal approval for implementation of these quality assurance fee provisions and authorizes imposition of a nonuniform fee in order to meet federal requirements. This bill would exclude a skilled nursing facility that provides exclusively pediatric subacute care and a skilled nursing facility that is certified by the State Department of Mental Health for a special treatment program and is an institution for mental disease as defined under federal law from the fee requirements, and would make a conforming change to provisions setting forth the department's Medi-Cal ratesetting authority. The bill would delete the requirement that a nonuniform fee be necessary to meet federal law.

**Status:** From committee chair, with author's amendments. Amend, and re-refer to Com. on Health. Read second time and amended. (last activity 3/17/05)

AB 367  
Nakanishi

*Physician and surgeon's fee waiver*

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

**Status:** Referred to Com. on B. & P. (last activity 2/22/05)

AB 392  
Chan

*County integrated health and human services*

(1) Existing law authorizes Humboldt, Mendocino, and Alameda Counties, and any additional county or counties, as determined by the Secretary of the California Health and Human Services Agency, with the assistance and participation of the appropriate state departments, within the existing resources of those departments, to implement a pilot program, upon approval of the county board of supervisors, for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system. This bill would instead authorize any county, with the assistance and participation of the appropriate state departments, within the existing resources of those departments, to implement a program, upon approval of the county board of supervisors, for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system. (2) Existing law authorizes the integrated system to include specified health and human services. This bill would authorize the integrated system to include, but not be limited to, those existing specified services and additional services and programs. (3) Existing law requires a participating county, in consultation with the appropriate state departments, as designated by the Secretary of the California Health and Human Services Agency, to prepare an interim evaluation not later than 6 months following the 3rd year of the implementation of the program and a final evaluation not later than July 1, 2008, and submit them to the Governor or the Governor's designee and the appropriate policy committees of the Legislature. This bill would require a participating county to evaluate its program with the participation of the appropriate state departments, prepare an evaluation, submit it to the Governor or the Governor's designee and the appropriate policy committees of the Legislature not later than 6 months following the 3rd year of the

implementation of the program, and seek private funding to provide for the evaluation. The bill would only require the evaluation to be conducted if nonstate resources are made available for the purpose. (4) Existing law repeals the pilot program's authorization as of January 1, 2009. This bill would delete the repeal provision.

**Status:** Referred to Com. on Health. (last activity 2/24/05)

AB 469

*Medi-Cal: supportive housing*

Yee

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

**Status:** Referred to Com. on Health. (last activity 2/24/05)

AB 591

*Medi-Cal: quality improvement fee*

Yee

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law provides for the provision of Medi-Cal benefits through, among other methods, managed care plans. Existing law requires the department to impose upon each Medi-Cal managed care plan an annual quality improvement fee. This bill would prohibit the imposition of this quality improvement fee upon any program that includes funding provided by any city, county, or city and county.

**Status:** Referred to Com. on Health. (last activity 2/28/05)

AB 683

*Health insurance*

Salinas

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

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

AB 699

*Medi-Cal: program redesign*

Chan

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law generally defines a disproportionate hospital as a hospital that has disproportionately higher costs, volume, or services related to the provision of services to Medi-Cal or other low-income patients than the statewide average. Under existing law, an eligible disproportionate share hospital may receive supplemental Medi-Cal reimbursement. This bill would state the intent of the Legislature that any "Medi-Cal redesign" statutes enacted during the 2005-06 Regular Session shall not disadvantage hospitals participating in the disproportionate share hospital supplemental reimbursement program.

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

AB 702

*Nursing education*

Koretz

Under existing law, there are 3 segments of the public higher education system in the state. These segments are the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. This bill would express findings and declarations of the Legislature with respect to a current shortage of registered nurses in California. The bill would also express the intent of the Legislature to add funding to the budgets for the University of California, the California State University, and the California Community Colleges for additional slots in nursing education programs and for all state programs that educate entry-level, master's, and doctoral program nursing students.

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

AB 774  
Chan

*Hospitals: self-pay policies*

Existing law provides for the Office of Statewide Health Planning and Development, which is charged with the administration of health policy and planning relating to health facilities, including hospitals. This bill would require each hospital to develop a policy specifying how the hospital will determine financial liability for services rendered to both financially qualified patients and self-pay patients, as defined. The bill would require the policy to include a section addressing charity care patients that specifies the financial criteria and the procedure used by the hospital to determine whether a patient is eligible for charity care. The bill would require each hospital to perform various functions in connection with the hospital self-pay policy, including notifying patients of the policy, and attempting to determine the availability of private or public health insurance coverage for each patient. The bill would also specify billing and collection procedures to be followed by a hospital, its assignee, collection agency, or billing service. This bill would require each hospital to submit to the office a copy of the hospital's application for financially qualified patients and a copy of its self-pay policy, eligibility procedures, review process, and procedure for determining self-pay pricing. The bill would authorize the office to develop a uniform self-pay application to be used by all hospitals. The bill would authorize the director of the office to levy civil penalties for violations by a hospital of the above provisions. The bill would authorize the Attorney General to authorize an investigation to determine whether a hospital is in compliance with the above provisions and would authorize private persons to act in the capacity of the Attorney General if the Attorney General fails to determine that a violation occurred within 90 days of receiving notice of possible violation. This bill would provide that to the extent that certain of the bill's requirements result in a specified federal determination relating to the hospital's established charge schedule, the requirement in question shall be inoperative with respect to a hospital that is licensed to and operated by a county or public hospital authority.

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

AB 811  
Matthew

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

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

**Status:** Referred to Coms. on Health and Hum. S. (last activity 3/17/05)

AB 837  
Benoit

*Health insurance: unemployment*

Existing law excludes certain kinds of insurance coverages from being considered health insurance for the purposes of the provisions of law regulating insurance. This bill would exclude insurance arising out of an unemployment or similar law from being considered health insurance.

**Status:** Referred to Coms. on Ins. and Health (last activity 3/3/05)

- AB 932  
Emmerson *Nursing education: community colleges*  
Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law requires the Office of the Chancellor of the California Community Colleges to award grants to community college districts for the purpose of developing curricula and pilot programs that provide training to licensed nurses. This bill would make technical, nonsubstantive changes in the provision establishing this grant program.  
**Status:** From printer. May be heard in committee. (last activity 2/20/05)
- AB 1045  
Frommer *Payers' Bill of Rights: procedure charges*  
Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. A violation of those provisions is a misdemeanor. The existing Payers' Bill of Rights requires each hospital to compile a list of the charges for 25 services or procedures commonly charged to patients. Beginning July 1, 2004, existing law requires each hospital to make that list available to any person upon request and to file the list annually with the office. This bill would require each hospital to additionally compile a list of the average charges for its 25 most common inpatient procedures and its 25 most common outpatient procedures, as grouped by Medicare diagnosis-related group. The bill would require each hospital to provide copies of both lists to any person upon request and file them annually with the office. Existing law authorizes the Office of Statewide Health Planning and Development to compile a list of the 10 most common Medicare diagnostic-related groups (DRGs) and the average charge for each of these DRGs per hospital and to publish that information on its Internet Web site. This bill would require the office to compile a list of the 25 most common inpatient procedures and the 25 most common outpatient procedures, as grouped by Medicare DRG, performed in hospitals in California, and a list of the average charges for those procedures per hospital. The bill would require the office to publish that information on its Web site. This bill would provide that any hospital that does not file the information required by the Payers' Bill of Rights may be liable for civil penalties.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)
- AB 1046  
*Health facility and clinic data: elements: report card*  
The existing Health Data and Advisory Council Consolidation Act requires the Office of Statewide Health Planning and Development (OSHPD) to be the single state agency designated to collect health facility or clinic data for use by all state agencies. The act also established the California Health Policy and Data Advisory Commission to advise OSHPD on data collection and reporting. The act requires every organization that operates, conducts, owns, or maintains a health facility, and the officers thereof, to make and file reports with OSHPD, including a Hospital Discharge Abstract Data Record. The act requires each hospital to file an Emergency Care Data Record for each patient encounter in a hospital emergency department, and requires each hospital and freestanding ambulatory surgery clinic to file an Ambulatory Surgery Data Record for each patient encounter during which at least one ambulatory surgery procedure is performed. The act requires OSHPD, based upon review and recommendations of the commission and its appropriate committees, to allow and provide for additions or deletions to patient level data elements in those 3 data records. The act generally prohibits OSHPD from adding more than a net of 15 elements to each data set over any 5-year period. This bill would repeal the limitation on the number of elements OSHPD may add to each data set. The bill would also require OSHPD to develop a California Hospital Report Card by July 1, 2006, to provide health care consumers with information about measures of hospital quality, and to develop measures for inclusion in the report card in consultation with representatives of California hospitals, organizations representing purchasers of health care coverage, consumer organizations, labor organizations, and national organizations promoting health care quality.  
**Status:** Referred to Com. on Health. (last activity 3/7/05)
- AB 1085  
Ruskin *County Health Initiative Matching Fund*  
Existing law, the County Health Initiative Matching Fund, establishes a fund that is administered by the Managed Risk Medical Insurance Board in collaboration with the State Department of Health

Services. Under existing law, a county, a county agency, a local initiative, or a county organized health system, may apply to the board to provide health care coverage to eligible persons, including children whose family income is at or below 300% of the federal poverty level. Existing law continuously appropriates the revenue in the fund to the board. This bill would change the income eligibility criteria for children, including those with a family income level at or below the maximum allowed by the federal Department of Health and Human Services.

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

AB 1239  
Chan

*Medi-Cal: self-certification of assets*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Under existing law a parent who is the principal wage earner is considered an unemployed parent for purposes of establishing Medi-Cal eligibility based upon deprivation of a child, in specified circumstances, including where the parent works less than 100 hours per month, or the parent is considered unemployed under the terms of an existing federal waiver of the 100-hour rule. This bill would specify that those parents whose eligibility for Medi-Cal benefits is determined by applying the waiver of the 100-hour rule may certify their income and resources by means of a statement and shall not be required to document their income and resources at the time of application.

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

AB 1359  
Chan

*Prescription drug plans*

Existing law, the Knox-Keene Health Care Service Plan of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law also provides for the licensure and regulation of health insurers by the Department of Insurance. Under existing law, the State Department of Health Services is responsible for public health matters and is authorized to adopt regulations regarding those matters. This bill would require the Department of Managed Health Care, the Insurance Commissioner, and the State Department of Health Services, acting in conjunction with each other, to form a task force to develop standards for prescription drug plans. The bill would declare that it is to take effect immediately as an urgency statute.

**Status:** Referred to Com. on Health. (last activity 3/17/05)

AB 1418  
Jerome  
Horton

*Health care coverage: maternity benefits*

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, regulates health care service plans 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, and prohibits a health care service plan or health insurer that provides coverage for maternity benefits from restricting certain benefits. This bill would, except as specified, require a health care service plan or health insurance policy that does not include maternity benefits to provide notice, at the time of solicitation, that the plan or policy does not cover or provide those benefits.

**Status:** Referred to Com. on Health. (last activity 3/14/05)

AB 1481  
Richman

*Medi-Cal: managed care*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care services. Each county is responsible for eligibility determinations under the Medi-Cal program. Under existing law, at the time of determining or redetermining the eligibility of a Medi-Cal applicant or beneficiary who resides in an area served by a managed health care plan or pilot program in which beneficiaries may enroll, the county is required to ensure that each applicant or beneficiary personally attends a presentation at which the applicant or beneficiary is informed of the managed care and fee-for-service options available regarding methods of receiving Medi-Cal benefits. These health care options include the continuation of an established patient-provider relationship in the fee-for-services sector, the continuation of an established patient-provider relationship in a managed care option under prescribed circumstances, or in areas specified by the director, if the applicant or beneficiary fails to make a choice or does not certify that he or she has an established relationship with a primary care provider or clinic, the applicant or beneficiary shall be assigned to, and enrolled in, a prepaid managed health care plan, pilot projects, or fee-for-service case management provider. Under

existing law, in areas specified by the director, no later than 30 days following the date a Medi-Cal beneficiary or applicant is determined eligible for Medi-Cal, the beneficiary is required to indicate his or her choice, in writing, from among the available prepaid health plans contracting to provide Medi-Cal services in the region. Existing law provides for a comprehensive program of managed health care plan services to Medi-Cal recipients residing in clearly defined geographical areas. Existing law provides that enrollment in this program is voluntary for beneficiaries eligible for Medicare. This bill would provide that notwithstanding any other law, commencing July 1, 2008, enrollment in either a Medi-Cal managed health care plan or a managed health care plan in a defined geographical area shall be mandatory for Medi-Cal beneficiaries, with specified exceptions, who are also eligible for, but need not be enrolled in, the Medicare program. This bill would require the department to seek a federal waiver that will provide federal financial participation for a dual eligible, defined as a Medi-Cal beneficiary enrolled in the Medicare program, who is enrolled in Medi-Cal managed care and to seek any other federal waivers necessary to implement the bill. The bill would provide that it shall only be implemented if, and to the extent that, these waivers are obtained. The bill would impose various duties on the department in implementing the bill, including providing to the appropriate committees of the Legislature information regarding the department's plans to implement the mandatory enrollment of dual eligibles into managed care, consulting with various stakeholders and other parties with an interest in health care for aged, blind, and disabled persons, undertaking an independent assessment of the encounter data collection process in the Medi-Cal managed care system, developing and implementing a corrective action plan, and reporting information related to the data to the Legislature, and performing activities related to quality of care measures for Medi-Cal beneficiaries subject to these provisions. The bill would establish requirements for health plans that contract to provide Medi-Cal managed care services to Medi-Cal beneficiaries who are subject to these provisions. This bill would require the department to implement the provisions of this bill only if it obtains the necessary agreement from the federal government to continue to receive disproportionate share hospital payments in proportion to the patients transferred to managed care as a result of existing statutory authorization for the department to contract with any qualified individual, organization, or entity to provide services to, arrange for or case manage, the care of Medi-Cal beneficiaries.

**Status:** Referred to Com. on Health. (last activity 3/17/05)

AB 1591  
Chan

*Medi-Cal eligibility: Chappell Hayes Health Center*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. This bill would specify that there shall be a presumption of eligibility for Medi-Cal benefits for any patient at the Chappell Hayes Health Center at McClymonds High School in Oakland. Under existing law, each county is responsible for determining Medi-Cal eligibility.

**Status:** Referred to Com. on Health. (last activity 3/17/05)

AB 1635  
McCarthy

*Medi-Cal: hospital reimbursement*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law declares the intent of the Legislature to enact a method for reimbursing hospitals for inpatient and outpatient services provided to Medi-Cal beneficiaries on a prospectively negotiated contractual basis and to develop and test alternatives that would become the basis for a permanent contracting system. This bill would revise this language to state the intent that the alternatives become the basis for a permanent contracting system specifically for hospital reimbursement.

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

AB 1670  
Nation

*Health care coverage*

Existing law establishes various programs, including the Medi-Cal program and the Healthy Families Program, to provide health care benefits to eligible persons. Under existing law, the Healthy Families Program is administered by the Managed Risk Medical Insurance Board. This bill would establish a 3 part health care coverage program. The bill would require each resident of the state to obtain minimum health care coverage, as defined, and submit documentation, except as specified, of this

coverage with his or her annual income tax return filed with the Franchise Tax Board. The bill would also require the Secretary of the Health and Human Services Agency to work in conjunction with counties to establish a purchasing pool through which an essential benefits package, developed by the board and the Department of Managed Health Care, would be made available. The bill would also require the board and the department to establish a subsidy program for qualified employers, as defined, who offer essential benefits coverage for employees earning less than 200% of the federal poverty level. The bill would impose a tax on health care service plans equal to the gross premium tax currently imposed on insurers. The bill would require deposit of this revenue into the Universal Health Care Fund, which would be created by the bill. The bill would, upon appropriation by the Legislature, make the revenue in the fund available to the board for allocation to fund health care coverage programs.

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

AB 1671  
Richman

*Cal-Health Act*

Existing law establishes the State Department of Health Services. The department administers certain health care programs, including the Medi-Cal Program. This bill would enact the Cal-Health Act. The act would require the department to establish an enrollment and retention program to serve as a single point of entry for all health care programs offered by the state and local government agencies. The act would require the department to use an electronic enrollment process. The act would authorize the department to use any state government database to identify and locate individuals that may be eligible for, but not enrolled in, health care programs.

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

AB 1674  
Richman

*Center for Quality Medicine*

Existing law provides for licensing and regulation of health care service plans by the Department of Managed Health Care. This bill would require the department to contract with an academic institution or public policy research institution for the establishment of a Center for Quality Medicine, to conduct periodic research on various issues related to medical treatment data. The center would be funded by an annual appropriation of \$25 million in the Budget Act from revenues derived from the insurer gross premiums tax.

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

AB 1675  
Nation

*Medi-Cal: contract drug list: generic drugs*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Under existing law, the Director of Health Services maintains a Medi-Cal contract drug list of drugs approved for treatment of beneficiaries under the Medi-Cal program. This bill would provide that a drug, other than a generic drug, shall not be included on the Medi-Cal contract drug list unless it can be demonstrated that the drug will lead to patient outcomes that are better than the outcomes achieved with a generic drug or drugs for the same condition. The bill would provide that a drug that is not available through the Medi-Cal contract drug list may be available through the treatment authorization request process. The bill would require a Center for Quality Medicine selected by the Department of Managed Health Care to develop guidelines for the treatment authorization request process.

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

AB 1698  
Nunez

*Health care coverage*

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires that every health care service plan contract that provides for termination of coverage of a dependent child upon attainment of the limiting age for dependent children shall also provide that attainment of the limiting age shall not terminate the coverage of a child under certain conditions. Existing law establishes similar requirements for group hospital, medical, or surgical expense insurance policies that provide coverage of dependent children. This bill would prohibit the limiting age for dependent children covered by these health care service

plan contracts and insurance policies from being prior to the dependent's 26th birthday.

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

AB 1707

*Medi-Cal financing*

Chan

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

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

SB 18

*Reproductive health and research*

Ortiz

The California Stem Cell Research and Cures Act, an initiative measure, establishes the California Institute for Regenerative Medicine, the purpose of which is, among other things, to make grants and loans for stem cell research, for research facilities, and for other vital research opportunities to realize therapies, protocols, and medical procedures that will result in, the cure for, or substantial mitigation of, diseases and injuries. Existing law establishes the Independent Citizen's Oversight Committee (ICOC), composed of appointed members, that is required to perform various functions and duties with regard to the operation of the institute. Existing law provides that the Political Reform Act shall apply to the institute and to the ICOC, with certain exceptions. This bill would declare that it is the intent of the Legislature that the ICOC define which positions would be subject to the Political Reform Act and that the requirements for the reporting of economic interest be commensurate with those required of certain public officials. Existing law establishes various working groups to assist the ICOC in the performance of its duties and requires the ICOC to adopt conflict-of-interest rules for these working groups. This bill would declare that it is the intent of the Legislature that these rules include certain economic disclosure requirements, and that the state open meeting requirements apply to meetings of the working groups. Existing law requires that a patient provide informed consent prior to the receiving various medical treatments. This bill would declare that it is the intent of the Legislature that a physician and surgeon, prior to providing assisted oocyte production, as defined, for purposes of donating eggs for medical research or for fertility treatments, obtain written consent from his or her patient and provide to his or her patient a standardized written summary of health and consumer issues that would be developed by the State Department of Health Services. Existing law requires a physician and surgeon or other health care provider delivering fertility treatment to provide his or her patient with timely, relevant, and appropriate information to allow the individual to make an informed and voluntary choice regarding the disposition of any human embryos remaining following the fertility treatment. This bill would declare that it is the intent of the Legislature that a physician and surgeon or other health care provider delivering fertility treatment to provide his or her patient with timely, relevant, and appropriate information to allow the individual to make an informed and voluntary choice regarding the disposition of any oocytes (female eggs or egg cells) remaining following the fertility treatment. Existing law prohibits a person from knowingly, for valuable consideration, purchase or sell embryonic or cadaveric fetal tissue for research purposes. This bill would declare that it is the intent of the Legislature to prohibit human oocytes or embryos from being acquired, sold, received, or otherwise transferred for valuable consideration, and to prohibit payment in excess of the amount of reimbursement of expenses to be made to any research subject to encourage her to produce human oocytes for the purposes of medical research. This bill, in addition, would declare that it is the intent of the Legislature that every contract, award, grant, loan, or other arrangement entered into by a state entity that provides state funding or other resources for biomedical research ensure that, among other things, the arrangement does not result in a gift of public funds and that the state is provided a share of the royalties or revenues derived from the development of clinical treatments, products, or services resulting from the research. Existing law requires the State Auditor to conduct financial and performance audits as directed by statute. Existing



law authorizes the State Auditor to conduct these audits of any state agency, local governmental agency, school, special district, or any publicly created entity. This bill would require the State Auditor to conduct a performance audit of the institute and the ICOC and to provide the audit report to the Legislature by no later than March 31, 2006.

**Status:** Re-referred to Coms. on Health and Rls. (last activity 3/17/05)

SB 19  
Ortiz

*California Rx Program*

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

**Status:** To Com. on Health. Set for hearing April 13. (last activity 3/17/05)

SB 24  
Ortiz

*Hospital charity care*

Existing law provides for the Office of Statewide Health Planning and Development, which is charged with enforcement of various provisions of law relating to health facilities, including hospitals, as defined. This bill would require each general acute care hospital, acute psychiatric hospital, and special hospital, except a facility owned or operated by the State Department of Mental Health or the Department of Corrections, to develop a charity care and reduced payment policy, as defined, specifying the financial criteria and procedure used by the hospital to determine whether a patient is eligible for defined charity care or payment allowances, and a charity care and reduced payment application, as defined, in accordance with requirements established by the bill. It would require each hospital to perform various functions in this regard, including notifying patients of the hospital's charity care and reduced payment policy in a language-appropriate manner. The bill would authorize the office to develop a charity care and reduced payment application or standard elements for each hospital's application, in consultation with interested parties. It would also limit debt collection activities of a hospital and its agents, collection agencies, or assignees for the first 150 days after discharge of a patient who received treatment under a charity care or reduced payment policy. The bill would require a nonprofit hospital organized as a public benefit corporation to demonstrate compliance with the above provisions and demonstrate that the hospital's charity care expenditures constitute at least \_\_\_% of its net operating revenues. The bill would authorize the Attorney General to authorize an investigation to determine whether a nonprofit hospital is in compliance. The bill would authorize the director of the office to levy civil penalties for violations of any of the above provisions, and would authorize any person damaged by a violation of any of the above provisions to bring an action to recover damages and civil penalties.

**Status:** To Com. on Health. Set for hearing March 30. (last activity 3/14/05)

SB 29  
Perata

*Budget Trailer Bill: Tobacco Surtax Fund*

Existing law, the Budget Act of 2004, appropriates funds from the Hospital Services Account and the

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

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

SB 47  
Scott

*Clinics*

Existing law regulates the licensure of clinics, as defined, by the State Department of Health Services. Under existing law, specified types of clinics are exempted from these licensing provisions, including, until January 1, 2008, clinics that are nonprofit corporations and satisfy requirements regarding medical research and the receipt of charitable contributions and bequests. This bill would delete the January 1, 2008, date for termination of the exemption from the licensure requirements for the nonprofit clinics described above and would require a related report by January 1, 2007.

**Status:** Passed Com. on H., & H.S (9-0). Referred to Com. on Appr. (last activity 3/16/05)

SB 102  
Ducheny

*Nurse training funding*

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

**Status:** To Com. on L. & I.R. Set for hearing April 13. (last activity 3/16/05)

SB 103  
Ducheny

*Primary care clinic licensing: timing*

Existing law generally provides for the licensure of clinics and specialty clinics by the State Department of Health Services. Existing law requires any person, firm, association, partnership, or corporation desiring a license for a health clinic or a special permit for special health services to file with the department a verified application on forms prescribed and furnished by the department, containing specified information, including any information as may be required by the department, including, but not limited to, evidence that the clinic has a written policy relating to the dissemination to patients of a summary of current state laws requiring child passenger restraint systems to be used when transporting children in motor vehicles, a listing of child passenger restraint system programs located within the county, and information describing the risks of death or serious injury associated with the failure to utilize a child passenger restraint system. This bill would eliminate the requirement that the clinic include within its application the above described items relating to child passenger restraints. The bill would also prohibit the department from requesting additional documents or information of the applicant beyond those expressly required by state or federal law relating to the licensure or certification of the applicant. Existing law provides that a primary care clinic that has held a valid, unrevoked, and unsuspended license for at least the immediately preceding 5 years, with no demonstrated history of repeated or uncorrected violations of clinic licensure provisions or any regulation adopted under these provisions that pose immediate jeopardy to a patient, and that has no pending action to suspend or revoke its license, may file an application to establish an affiliate clinic at an additional site. Existing law requires the department, upon receipt of the completed application, to approve a license for the affiliate clinic, without the necessity of first conducting an initial onsite survey, if certain conditions are met. Existing law requires the department to issue a license within 30 days of receipt of a completed application. If the department determines that an applicant does not meet the required conditions, existing law requires the department to identify the grounds for that determination and process the application and either grant or deny a license or special permit within 100 days of the filing. This bill would provide that when the department determines that an applicant does not meet the required conditions for expedited affiliate clinic licensure, identifies the grounds for that determination, and processes the application within 100 days of the filing, the time period for approval or denial of the application would commence on the original date upon which the complete application was received by the

department's consolidated applications unit. The bill would require an applicant for an expedited affiliate clinic licensure to submit an affidavit stating that the application meets required criteria, and would prohibit the department from requiring a particular form of affidavit.

**Status:** To Com. on Health. Set for hearing March 30. (last activity 3/14/05)

SB 131  
Chesbro

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

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which health care services are provided to qualified low-income persons. Existing law provides that federally qualified health center services and rural health clinic services are covered benefits under the Medi-Cal program. These provisions require that a federally qualified health center or rural health clinic be reimbursed on a per-visit basis. However, a federally qualified health center or rural health clinic may elect to have pharmacy or dental services reimbursed on a fee-for-service basis. This bill additionally would authorize a federally qualified health center or rural health clinic to elect to have inpatient cardiology or inpatient obstetrical services reimbursed on a fee-for-service basis. Existing law establishes procedures for a federally qualified health center or rural health clinic to submit scope-of-service rate change requests to qualify for an adjustment to its per-visit rate. This bill would revise these procedures. Existing law requires the department to seek all necessary federal approvals to implement the provisions pertaining to Medi-Cal coverage of FQHC and RHC services, no later than March 30, 2004. This bill would extend this date to March 30, 2006.

**Status:** To Com. on Health. Set, first hearing. Hearing cancelled at the request of the author. (last activity 3/16/05)

SB 159  
Runner

*Inmates: health care services*

Existing law authorizes the Department of Corrections and the Department of the Youth Authority to contract with providers of emergency health care services. Existing law specifies that hospitals and ambulance or other nonemergency response services that do not contract with those departments shall provide those services at the Medicare rate. Existing law authorizes those departments to work with the State Department of Health Services in obtaining hospital cost information in order to establish allowable costs under those provisions. This bill would apply these provisions to county sheriffs and chiefs of police.

**Status:** To Com. on Pub. S. Set for hearing April 12. (last activity 3/10/05)

SB 162  
Ortiz

*State Department of Public Health*

Existing law establishes the scope of functions and responsibilities of the State Department of Health Services. This bill would enact the California Public Health Act of 2004, which would, on an unspecified date, establish the State Department of Public Health, to be headed by the State Health Officer to be appointed by the Governor, subject to confirmation by the Senate. The bill would transfer the responsibility for certain programs from the State Department of Health Services to the State Department of Public Health, and would make conforming changes. This bill would also establish the Public Health Board, consisting of 13 members, for purposes of providing public and expert involvement in the development of policies, regulations, and programs administered by the department or directly affecting the health of Californians. These provisions of the bill would not become operative until January 1, 2007, and only if an appropriation for purposes of the bill is made in the Budget Act of 2006. The bill would also require, contingent upon the receipt of sufficient nonstate resources, the State Department of Health Services or the State Department of Public Health, if it is established pursuant to this bill, to convene a workgroup of experts to develop specific recommendations regarding the creation of the State Department of Public Health and how it fits into a long-term strategy to improve the future of public health leadership in California. The bill would require the workgroup to provide the recommendation and strategy to the Governor and Legislature.

**Status:** Passed Com. on H. & H. S (7-1). Referred to Com. on G.M., E. & A. (last activity 3/16/05)

SB 163  
Scott

*Public contracts*

Existing law establishes various requirements applicable to entities that want to contract with the state. This bill would require a pharmaceutical company entering into a contract with an agency of the state to disclose the percentage of its national operating budget that is expended on marketing

purposes, and the percentage of its national operating budget expended on research and development. The bill would prohibit a state department or agency from entering into a contract with a pharmaceutical company in the absence of that disclosure.

**Status:** From committee with author's amendments. Read second time. Re-referred to Sen. Com. on Jud. (last activity 3/17/05)

SB 167  
Speier

*Seismic and Patient Safety*

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

**Status:** To Com. on Health. Set for hearing April 13. (last activity 3/17/05)

SB 206  
Dunn

*Inpatient hospital services: reimbursement: pediatric outlier payment adjustment program*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits, including hospital services. This bill would state the intent of the Legislature to enact legislation that would establish a pediatric outlier payment adjustment program to offset the losses experienced by tertiary care hospitals rendering care to a disproportionately high percentage of Medi-Cal eligible children who are seriously ill and require exceptionally high cost treatment.

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

SB 257  
Chesbro

*Mental health services*

Existing law, the Mental Health Services Act, establishes the Mental Health Services Oversight and Accountability Commission, sets forth provisions relating to the appointment and qualification of its members, and prescribes the commissions oversight duties regarding the provision of services under the act. The act, an initiative measure, permits amendment by the Legislature to further the purposes of the act by a 2/3 vote of both houses and permits amendment to clarify procedures and terms by a majority vote of both houses. This bill would require the commission to elect, from its members, a chair and vice chair at its first meeting and annually thereafter.

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

SB 301  
Murray

*Health care*

Existing law establishes publicly funded health care programs, including Medi-Cal, and imposes duties on hospitals, clinics, and other health facilities that receive state funds with respect to the provision of health care. This bill would state the intent of the Legislature to enact legislation that would improve health care in California.

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

SB 325  
Ducheny

*County reimbursement*

The Bronzan-McCorquodale Act establishes provisions to organize and finance community mental health services for persons with mental disorders in every county through locally administered and locally controlled community mental health programs. Existing law provides for the allocation of state sales tax revenues and vehicle license fees into the continuously appropriated Local Revenue Fund, for allocation to counties for various stated purposes, from the accounts contained in the fund.

Existing law provides that counties are to continue to receive reimbursement from specifically appropriated funds for costs necessarily incurred in providing psychotherapy and other mental health services for pupils with disabilities and that counties are not required to provide any share of those costs or to fund the cost of any part of these services with money received from the Local Revenue Fund for reimbursement claims for services delivered in the 2001-02 fiscal year and thereafter to those pupils. Existing law authorizes counties to utilize money received from the Local Revenue Fund to fund the costs of any part of necessarily incurred in providing any part of psychotherapy and other mental health services for handicapped and disabled pupils and provides that counties who use money from that fund for those services are eligible for reimbursement from the state. This bill would authorize counties to seek reimbursement from the Local Revenue Fund for all verified excess costs to fund assessments, psychotherapy, and other mental health services allowable under federal regulations and required by state law. This bill would also require the California Department of Education and the State Department of Mental Health to conduct a joint study and, no later than April 15, 2007, submit a report to the appropriate committees of the Legislature, on procedures for counties to utilize in documenting services provided to disabled children and procedures for obtaining reimbursement for excess costs.

**Status:** To Com. on Health. Set for hearing March 30. (last activity 3/14/05)

SB 328  
Cedillo

*Health facilities: economically endangered: reimbursement program*

Existing law provides for the licensure and regulation of health facilities, including hospitals, administered by the State Department of Health Services. This bill would state the intent of the Legislature to enact legislation that would provide a special reimbursement program designed to preserve economically endangered facilities that offer certain essential hospital services, including emergency room, obstetrical, and neonatal intensive care services to Medi-Cal beneficiaries, the uninsured, and the underinsured.

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

SB 329  
Cedillo

*California Prescription Drug Safety and Effectiveness Commission*

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

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

SB 380  
Alquist

*Drugs: adverse event reporting*

The Sherman Food, Drug and Cosmetics Law provides for the regulation of various subjects relating to the processing, labeling, advertising, and sale of food, drugs, and cosmetics under the administration of the State Department of Health Services. A violation of these provisions is a crime. This bill would require a licensed health professional and a health facility to report serious adverse drug events that they observe to MedWatch, the drug safety information and adverse event reporting program operated by the federal Food and Drug Administration (FDA), using the FDA 3500 Voluntary form developed by the FDA for MedWatch.

**Status:** To Com. on Health. Set for hearing March 30. (last activity 3/14/05)

SB 401  
Ortiz

*Medical information: pharmacies: marketing*

Existing law prohibits a provider of health care, a health care service plan, contractor, or corporation and its subsidiaries and affiliates from intentionally sharing, selling, or otherwise using any medical information, as defined, for any purpose not necessary to provide health care services to a patient, except as expressly authorized by the patient, enrollee, or subscriber, as specified, or as otherwise

required or authorized by law. Violations of these provisions are subject to a civil action for compensatory and punitive damages, and, if a violation results in economic loss or personal injury to a patient, it is punishable as a misdemeanor. Existing law provides that this prohibition also applies to the marketing of medical information, as defined, excluding from that definition, for these purposes, communications for which the communicator does not receive remuneration from a 3<sup>rd</sup> party or for specified descriptive purposes, or that are tailored to the circumstances of a particular individual, as specified. This bill would further provide that marketing includes a written communication that is provided by a pharmacy to a patient that is paid for, or sponsored by, a manufacturer, labeler, or distributor of prescription drugs, as specified.

**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)

SB 458  
Speier

*Basic health care: counties*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and pursuant to which health care services are provided to qualified low-income persons. Existing law authorizes San Mateo County, San Bernardino County, Ventura County, and other counties to establish a special commission in order to meet the problems of delivery of publicly assisted medical care in each county, and to demonstrate ways of promoting quality care and cost efficiency. This bill would revise the scope of that authorization to expand the scope of the mission of the commissions to include meeting the problems of a lack of access to affordable health care coverage, and would authorize a county to establish a commission that may offer coverage for both publicly assisted medical care and privately financed medical care for both the residents of the county and residents of other counties if the commission's governing body determines that there exists a need for affordable coverage in other counties.

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

SB 465  
Ducheny

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

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

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

SB 630  
Dutton

*Hospitals: nursing ratios*

Existing law provides for the licensure and regulation of health facilities, administered by the State Department of Health Services. Existing law requires the department to establish minimum, specific, and numerical licensed nurse-to -patient ratios by licensed nurse classification and by hospital unit for general acute care hospitals, acute psychiatric hospitals, and special hospitals. This bill would make a technical, nonsubstantive change to that provision.

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

SB 644  
Ortiz

*Dispensing of prescription*

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy and makes a violation of those provisions a crime. Existing law prohibits, except as specified, a person other than a pharmacist from dispensing a dangerous drug, as defined, pursuant to a prescription. This bill would require a pharmacist to dispense a lawful prescription except in specified circumstances, including on ethical, moral, or religious grounds asserted by the pharmacist. The bill would authorize the pharmacist to decline to dispense the prescription on that basis only if his or her employer is able to reasonably accommodate that objection.

**Status:** To Com. on B., P., and E.D. Set for hearing April 11. (last activity 3/17/05)

SB 650  
Ortiz

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

Existing law requires the State Department of Health Services to develop a program to provide, through contracts, prostate cancer treatment services to low-income uninsured and underinsured men. Pursuant to this requirement, the department has established the Improving Access, Counseling, and Treatment for Californians with Prostrate Cancer (IMPACT) Program. This bill would establish the IMPACT Program as a permanent program within the department's Cancer Control Branch, Cancer Detection Section. The bill would require that treatment under this program be provided to uninsured and underinsured men with incomes at or below 200% of the federal poverty level. This bill would authorize the department, at the expiration of the existing program contract, to extend, modify, and enter into new contracts for purposes of the program. The bill would provide that the program shall be administered at the University of California, Los Angeles, under the direction of a program director, in association with clinical medicine, public health, and health services. The bill would establish program requirements and the duties of the program contractor. The bill would require the program to annually provide information to the director, and the director to submit this information to the Legislature.

**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)

SB 708  
Speier

*Drug discount program: conditions of participation*

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

**Status:** To Com. on Health. Set for hearing April 13. (last activity 3/17/05)

SB 750  
Soto

*Medi-Cal: disease management*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law requires the department to apply for a waiver of federal law to test the efficacy of providing a disease management benefit to beneficiaries under the Medi-Cal program, including, but not be limited to, the use of evidence-based practice guidelines, supporting adherence to care plans, and providing patient education, monitoring, and healthy lifestyle changes. This bill would require the department to begin negotiations with the federal Centers for Medicare and Medicaid Services aimed at development and approval of a disease management demonstration project for Medi-Cal beneficiaries who are dually eligible for Medicare benefits.

**Status:** To Com. on Health. Set for hearing April 6. (last activity 3/16/05)

SB 770  
Romero

*Medi-Cal: drugs*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Under existing law, the director is required to maintain a Medi-Cal contract drug list of drugs approved for treatment of beneficiaries under the Medi-Cal program. Existing law requires the department to provide individual notice to Medi-Cal beneficiaries at least 60 calendar days prior to the effective date of the deletion or suspension of any drug from the list of contract drugs. This bill would, instead, require the notice to be provided at least 65 calendar days prior to the effective date of the deletion or suspension of any drug from the list of contract drugs.

**Status:** To Com. on Health. Set for hearing April 13. (last activity 3/17/05)

SB 840

*Single-payer health care coverage*

Kuehl

Existing law does not provide a system of universal health care coverage for California residents. Existing law provides for the creation of various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Services. Existing law provides for the regulation of health care service plans by the Department of Managed Health Care and health insurers by the Department of Insurance. This bill would establish the California Health Insurance System to be administered by the newly created California Health Insurance Agency under the control of an elected Health Insurance Commissioner. The bill would make all California residents eligible for specified health care benefits under the California Health Insurance System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. The bill would impose limits on deductibles or copayments that the commissioner would be authorized to establish. The bill would require the health care system to be operational within 2 years of enactment, and would enact various transition provisions. The bill would require the commissioner to seek all necessary waivers, exemptions, agreements, or legislation to allow various existing federal, state, and local health care payments to be paid to the California Health Insurance System, which would then assume responsibility for all benefits and services previously paid for with those funds. The bill would create a health insurance policy board to establish policy on medical issues and various other matters relating to the health care system. The bill would create the Office of Consumer Advocacy within the agency to represent the interests of health care consumers relative to the health care system. The bill would create within the agency the Office of Health Care Planning to plan for the health care needs of the population, and the Office of Health Care Quality, headed by the chief medical officer, to support the delivery of high quality care and promote provider and patient satisfaction. The bill would create the Office of Inspector General for the California Health Insurance System within the Attorney General's office, which would have various oversight powers. The bill would prohibit health care service plan contracts or health insurance policies from being issued for services covered by the California Health Insurance System. The bill would create the Health Insurance Fund and the Payments Board to administer the finances of the California Health Insurance System. The bill would prohibit payment of shareholder dividends from system revenues by participating private companies. The bill would extend the application of certain insurance fraud laws to providers of services and products under the health care system, thereby imposing a state-mandated local program by revising the definition of a crime. The bill would enact other related provisions relative to budgeting, regional entities, federal preemption, subrogation, collective bargaining agreements, compensation of health care providers, conflict of interest, and associated matters.

**Status:** To Com. on B., F. & I. Set for hearing April 6. (last activity 3/17/05)



## Safety

- AB 4  
Bogh *Vehicles: driver's license: permanent revocation: DUI*  
(1) Existing law requires the Department of Motor Vehicles to revoke for 3, 4, or 5 years, as specified, the driving privilege of a person who has been convicted of a third or subsequent violation of certain provisions prohibiting driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol and any drug (DUI.) This bill, instead, would require the department to permanently revoke the driving privilege when a person has been convicted of a third or subsequent violation of the specified DUI provisions. The bill would make conforming changes in related provisions of existing law. (2) Existing law requires that a person convicted of violating certain DUI provisions be punished by certain fines and terms of imprisonment if the violation occurs within 10 years after 2, 3, or more separate violations of certain DUI provisions. This bill would require that a person convicted of violating certain DUI provisions be punished by the specified fines and terms of imprisonment if the violation occurs after 2, 3, or more separate violations of certain DUI provisions without regard to the 10-year requirement. (3) Existing law makes it a public offense, punishable by certain fines and terms of imprisonment, for a person to be convicted of a violation of certain DUI provisions, if the offense occurred within 10 years after certain felony or serious DUI convictions. This bill would make it a public offense, punishable by certain fines and terms of imprisonment, for a person to be convicted of a violation of certain DUI provisions, if the offense occurred after certain felony or serious DUI convictions without regard to the 10-year requirement. (4) Existing law requires a person who has been convicted of one or more DUI violations within 10 years to apply to the department for a restricted driver's license that prohibits the person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device. This bill would require the court to require that a person described above with 0.16% or more, by weight, of alcohol in his or her blood at the time of the recent arrest to install a certified ignition interlock device on each vehicle that the person owns or operates and to prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device  
**Status:** In Com. on Pub. S., hearing canceled at request of author. (last activity 3/1/05)
- AB 59  
Cohn *Domestic violence: presence of minors: enhancements*  
Existing law proscribes specified acts of domestic violence, as defined. This bill would provide that a person convicted of the commission of felony domestic violence, when the person knew that the violence was committed in the presence of any child under 18 years of age, shall receive an enhancement of one year in the state prison. The bill would also provide that a person convicted of the commission of misdemeanor domestic violence, when the person knew that the violence was committed in the presence of any child under 18 years of age, shall receive a mandatory jail term of at least 90 days for the offense. For a misdemeanor domestic violence offense with an existing mandatory minimum term, that term would be increased by 90 days, as specified. Furthermore, the bill would provide that a person convicted of inflicting great bodily injury, as defined, on any victim of felony domestic violence, when the person knew that the violence was committed in the presence of any child under 18 years of age, shall receive an enhancement of 2 years in the state prison.  
**Status:** Referred to Com. on Pub. S. (last activity 2/7/05)
- AB 86  
Levine *Firearms*  
Existing law directs local law enforcement to submit the description of serialized property which has been reported stolen, lost, found, recovered, or under observation, directly to an automated Department of Justice system. Existing law requires reports of stolen nonserialized property which has unique characteristics or inscriptions permitting accurate identification to be sent by each sheriff or police chief executive directly to the Special Services Section of the department. This bill would delete the latter requirement. It would instead require local law enforcement to submit the description of uniquely inscribed property, as well as serialized property, to the Department of Justice's system. This bill would also provide that any information entered into the Department of Justice system regarding a firearm would remain in the system until the firearm was found, recovered, no longer under observation, or the record was deemed to have been entered in error.  
**Status:** Passed Com. on Pub. S. (5-0), re-referred to Com. on Appr. (last activity 2/18/05)

- AB 88  
Koretz      *Assault Weapons*  
Existing law provides penalties for violations of specified provisions involving assault weapons and .50 BMG rifles, as specified. This bill would provide that, subject to exceptions with regard to specified prohibited conduct, there would be a separate and distinct offense for each assault weapon or .50 BMG rifle, as specified.  
**Status:** Passed Com. on Pub. S. (5-2), re-referred to Com. on Appr. (last activity 3/2/05)
- AB 98  
Cohn      *Firearms*  
(1) Existing law generally makes it a crime to carry a concealed handgun. This bill would repeal those provisions and establish the new crime of unlawfully carrying a handgun, as specified. The bill would make it a crime to carry a handgun in a vehicle or upon one's person, subject to exceptions, regardless of whether the handgun was concealed. The bill would also provide additional exceptions to the provisions establishing the crime. The bill would provide that unlawfully carrying a handgun is punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed \$1,000, or by both that imprisonment and fine, as specified. The bill would also provide that the offense would be punishable as a felony if certain circumstances exist, as specified. The bill would further provide that in certain instances the penalty imposed would be by imprisonment in the state prison, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed \$1,000, or by both that fine and imprisonment, as specified. The bill would require courts not imposing the 3-month minimum sentence to specify its rationale, as specified. (2) Existing law makes it a misdemeanor for the driver or owner of a motor vehicle to knowingly permit another person to bring a loaded firearm into the vehicle, as specified. This bill would expand the scope of that crime to include knowingly permitting another person to unlawfully carry a handgun in the vehicle, as specified. (3) Existing law requires dealers to keep a register or record of sales and transfers of firearms. This bill would exempt dealers from the register or record requirement for the loan of an unloaded firearm if certain conditions are satisfied. The bill would state that this provision is declaratory of existing law. (4) Existing law generally regulates the possession and transfer of firearms. This bill would provide that various license, delivery, or certificate requirements would be inapplicable to the loan of a firearm by a dealer, the loan of a handgun, or the loan of a firearm that is not a handgun if certain conditions are met. The bill would state that this provision is declaratory of existing law. (5) The bill would make numerous technical, conforming, and nonsubstantive changes.  
**Status:** From committee chair, with author's amendments. Amend, and re-refer to Com. on Pub. S. Read second time and amended. (last activity 3/17/05)
- AB 114  
Cohn      *Child Abuse: evidence*  
Under existing law, evidence of a person's character, such as opinion or specific instances of conduct, is generally not admissible to provide a defendant's conduct on a particular occasion, with specified exceptions. Existing law provides, however, that when a defendant is accused of domestic violence in a criminal action, evidence of the defendant's prior acts of domestic violence may be admitted to prove the defendant's conduct, except as to the findings and declarations of a regulatory agency or when the acts occurred more than 10 years ago or the court exercises its discretion to exclude the evidence of prior acts, as specified. This bill would provide that when a defendant is accused of child abuse in a criminal action, evidence of the defendant's prior acts of domestic violence may be admitted to prove the defendant's conduct, except as specified. The bill would also define "child abuse" for purposes of that provision and would make other nonsubstantive changes.  
**Status:** In Com. on Pub. S., hearing postponed by committee. (last activity 3/15/05)
- AB 120  
Cohn      *Domestic violence: children*  
Under existing law, any person who perpetrates domestic violence, as defined, is subject to both criminal penalties and civil remedies, as specified. This bill would, subject to adequate, discretionary funding from a city or county, authorize the superior court in Santa Clara County to develop a pilot program, and any other county able and willing to participate in that program, to collect data with regard to domestic violence cases and children, as specified. The bill would require superior courts participating in this program to report their findings and recommendations to the Judicial Council on or before December 1, 2006.

**Status:** In Com. on Jud. Hearing canceled at the request of the author. (last activity 2/22/05)

AB 123  
Dymally

*School safety block grant*

Existing law establishes a school safety consolidated competitive grant to fund specified existing school safety programs, but excludes funding for programs under the School Safety and Violence Prevention Act. That act, operative until July 1, 2005, is intended to provide supplemental resources to public schools serving pupils in any of grades 8 to 12, inclusive, to establish programs and strategies to promote school safety and violence prevention among pupils. This bill would require that funding for the school safety consolidated competitive grant include funding previously apportioned to school districts for carrying out the purposes of the School Safety and Violence Prevention Act. This bill would declare that it is to take effect immediately as an urgency statute.

**Status:** Referred to Com. on Ed. (last activity 1/24/05)

AB 220  
Committee  
on Public  
Safety

*Domestic violence*

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

**Status:** Passed Com. on Pub. S. (6-0). Referred to Com. on Jud. (last activity 3/16/05)

AB 253  
Aghazarian

*Child abuse*

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

**Status:** From committee chair, with author's amendments. Amend, and re-refer to Com. on Pub. S. Read second time and amended. Re-Referred to Com. on Pub. S. (last activity 3/17/05)

AB 352  
Koretz

*Firearms: microstamping*

Existing law defines unsafe handguns as failing to pass certain tests, or lacking certain features, as specified. This bill would, commencing January 1, 2007, expand the definition of unsafe handgun to include semiautomatic pistols that are not designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the firearm is fired. By expanding the definition of "unsafe handgun," the

manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program. Existing law requires the submission of handguns by manufacturers for determining if the handguns are unsafe, as specified. This bill would provide that, commencing on January 1, 2007, no handgun may be submitted for that testing unless the handgun is designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the firearm is fired.

**Status:** Referred to Com. on Pub. S. (last activity 2/22/05)

AB 448  
La Suer

*Assault weapons*

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

**Status:** Referred to Com. on Pub. S. (last activity 2/24/05)

AB 450  
Yee

*Violent video games: sales to minors*

Existing law regulates the sale of certain merchandise, such as political items and sports memorabilia. This bill would prohibit the sale, rent, distribution, and exhibition of violent video games, as defined, to persons who are 16 years of age or younger. The bill would provide that a person who violates the act may be liable in an amount of up to \$1,000 for each violation.

**Status:** From printer. May be heard in committee. (last activity 2/16/05)

AB 506  
Montanez

*Teen dating violence: prevention and education*

Existing law establishes various school safety programs, including, among others, the Carl Washington School Safety and Violence Prevention Act, which requires the Superintendent of Public Instruction to provide funds to school districts serving pupils in any of grades 8 to 12, inclusive, for the purpose of promoting school safety and reducing schoolsite violence. This bill would establish the Teen Dating Violence Prevention Program and would require each school district, by an unspecified date, to establish a policy and protocol, including reporting procedures and response requirements, for dealing with teen dating violence, as defined, in middle schools and in high schools. The bill would also require the State Department of Education to incorporate teen dating violence education curriculum into the health curriculum framework at its next revision. The bill would provide that the program or the incorporation of the teen dating violence education curriculum into the health education framework may not result in any redirection of funding from core academic programs.

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

AB 754  
Jones

*Firearms*

Existing law generally regulates the licensing and conduct of firearms dealers. This bill would reorganize those provisions. Existing law establishes a centralized list of firearms dealers who are licensed by local governments, as specified. Existing law provides that certain information from that list may be used for specified purposes. This bill would revise those provisions relating to the purposes for which the information may be made available, and to allow certain information to be accessible via the Internet to the public. Existing law requires persons provides hold a federal firearms license to either obtain a verification number from the Department of Justice when delivering, transferring, or selling a firearm to another federal firearms licensee, or show proof of exemption from local licensing requirements. Violation of these provisions is a misdemeanor. This bill would revise those provisions by removing the option of showing proof of exemption from local licensing and require the transferors to obtain a verification number. The department would then determine if an exemption applies, as specified. The bill would expand the use of the verification number by the department for certain purposes. Violation of these provisions would be a misdemeanor. Existing law requires a person who as a dealer, importer, manufacturer, or collector of firearms holds a federal firearms license, and whose licensed premises are within the state, to provide a copy of the license to the Department of Justice, as specified. A violation of these provisions is an infraction. This bill would repeal those provisions and instead provide for a centralized list of federal

firearms licensees who are exempt from obtaining a firearms dealer license pursuant to state law. Among other things required of the licensees to be on the centralized exempted federal firearms licensee list, the licensees would have to provide the basis for their exemption to the department under penalty of perjury. The bill would authorize the department to assess an annual fee upon those licensees for purposes of maintaining the list and for other enforcement and compliance costs. The bill would provide that those licensees may not import or receive firearms unless they are listed on the centralized list of exempted federal firearms licensees or exempted firearms manufacturers. A violation of that requirement would be a misdemeanor. The bill would require certain records be kept for specified periods of time by the exempted federal licensees. A violation of those provisions would be a misdemeanor.

**Status:** Referred to Com. on Pub. S. (last activity 3/3/05)

AB 776  
Chu

*Child abuse reporting*

Existing law requires certain persons to report incidents of suspected child abuse to specified authorities by telephone and also by written report. Existing law also requires certain agencies to accept reports of suspected child abuse even if those agencies lack jurisdiction to investigate, unless the agency can immediately refer the report of suspected child abuse to the agency with proper jurisdiction. This bill would specify that the agencies required to accept reports of suspected child abuse submitted by mandated reports accept telephone and written reports of suspected child abuse.

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

AB 944  
Ridley-  
Thomas

*Firearms*

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

**Status:** Referred to Com. on Pub. S. (last activity 3/7/05)

AB 979  
Sharon  
Runner

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

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

the vehicle to be released prior to the end of that 30 days under specified circumstances. This bill would, additionally, apply the above impoundment procedure to a person who is driving in violation of a driver's license restriction requiring that person to operate a vehicle that is equipped with a functioning, certified ignition interlock device.

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

AB 996  
Ridley-  
Thomas

*Ammunition: storage and sale*

Existing law makes it a crime to sell ammunition to a minor, or ammunition designed for a handgun to anyone under 21 years of age. This bill would authorize the Department of Justice to adopt regulations governing the safe storage and sale of ammunition.

**Status:** From printer. May be heard in committee. (last activity 2/23/05)

AB 1034  
Spitzer

*Controlled substances: offense enhancements: preschools and daycare facilities*

Existing law imposes an enhancement of 3, 4, or 5 years upon a defendant who commits specified controlled substance offenses upon the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school. This bill would provide that a defendant shall also be subject to this enhancement when he or she commits the specified controlled substance offenses upon the grounds of, or within 1,000 feet of, a preschool or child daycare facility.

**Status:** Referred to Com. on Pub. S. (last activity 3/7/05)

AB 1060  
Liu

*Firearms*

Existing law authorizes law enforcement agencies to report certain information to the Department of Justice pertaining to a firearm when the firearm is taken into custody for safekeeping by the agency. This bill would require the law enforcement agency to report the information to the department. Existing law provides that where neither party to a firearm transaction is a licensed firearms dealer, the parties may complete the transaction through a sheriff's department, as specified. This bill would repeal those provisions and make additional conforming technical changes consistent with the repeal. The bill would make other technical changes. Existing law generally regulates the licensing and conduct of firearms dealers. This bill would reorganize those provisions. The bill would require dealers to store all inventory firearms in secure storage, as specified. The bill would renumber other code sections in connection with reorganizing those provisions, and would make other conforming nonsubstantive changes. Existing law establishes a program for determining the safety of handguns based on certain testing criteria and procedures. Existing law provides for the reinstatement of handguns on an approved roster subject to certain conditions. This bill would specify additional criteria to be met for purposes of reinstatement. The bill would make additional technical and conforming changes.

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

AB 1144  
Harman

*Playground safety standards*

Existing law requires the State Department of Health Services, in consultation with specified other agencies and entities to adopt regulations for the design, installation, maintenance, inspection, supervision where appropriate, and training of personnel involved in the design, installation, and maintenance of playgrounds either operated by public agencies or operated by any entity where the playground is open to the public. This bill would require the state department to adopt and amend, as necessary, its playground safety standards in order to meet current ATSM (American Society for Testing and Materials) standards for playground safety.

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

AB 1188  
Wolk

*Abuse: reporting*

Under existing law, the failure of a health care practitioner to report injuries related to firearms use or domestic violence, or of a mandatory reporter to report child, elder, or dependent adult abuse, is punishable by imprisonment in a county jail for up to 6 months, or by a fine of up to \$1,000, or by both that fine and imprisonment. A supervisor or administrator who impedes or inhibits a report of child abuse is guilty of an infraction that is punishable by a fine of up to \$5,000. Any mandated reporter who willfully fails to report elder or dependent abuse, where that abuse results in death or great bodily injury, is punishable by up to one year in a county jail, by a fine of up to \$5,000, or by

both that fine and imprisonment. This bill would make failure to report, or impeding or inhibiting the report of, all the above types of abuse, punishable by imprisonment in the county jail for up to 6 months, or by a fine of up to \$1,000, or by both that fine and imprisonment. If that failure to report or impeding or inhibiting of a report, results in death or great bodily injury, the punishment would be imprisonment in the county jail for up to one year, a fine of up to \$5,000, or by both that fine and imprisonment.

**Status:** Referred to Com. on Pub. S. (last activity 3/17/05)

AB 1189  
Bermudez

*Vehicles: motorcycles: rider training programs*

Existing law authorizes the Commissioner of the California Highway Patrol, through contracts with other public agencies or with private entities, to provide financial or other support to projects aimed at enhancing motorcycle operation or safety, including rider training programs. This bill, additionally, would authorize the commissioner to provide financial or other support to projects aimed at enhancing both motorcycle operation and safety.

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

AB 1237  
Leno

*Tasers*

Existing law provides, subject to exceptions, that any person who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses certain specified weapons, is punishable by imprisonment in a county jail not exceeding one year or in the state prison. Existing law provides exceptions to those prohibitions for certain weapons for law enforcement agencies. This bill would add tasers to the list of prohibited weapons. The bill would also include tasers within the excepted weapons for law enforcement. The bill would define "taser" for these purposes. Existing law authorizes peace officers and custodial officers to possess less lethal weapons and ammunition therefor. This bill would require every law enforcement agency to report to the Department of Justice, specified information about the use of tasers by each agency. The bill would require the department to collect the data from law enforcement agencies and report specified matters to the Legislature no later than July 1, 2007. Existing law defines "stun gun" for purposes of the offense of assault with a stun gun or taser. This bill would also define "taser" for those purposes.

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

AB 1325  
Vargas

*Motor vehicle speed contest*

Under existing law, it is a misdemeanor to engage in a motor vehicle speed contest, as described, punishable by, among other things, imprisonment in a county jail for not less than 24 hours nor more than 90 days. This bill would revise the minimum imprisonment time to 5 days.

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

AB 1353  
Liu

*Driving under the influence offenders: education and counseling programs*

If the court grants probation to any person punished for driving under the influence of alcohol or drugs or for driving under the influence of alcohol or drugs and causing bodily injury to another person, and if the county board of supervisors has approved, and the State Department of Alcohol and Drug Programs has licensed, an alcohol and other drug education and counseling program, in addition to other terms and conditions imposed by the court, existing law requires the court to require as a condition of probation that the driver enroll and participate in, and successfully complete, a driving-under-the-influence program. Existing law requires the court to refer a first offender whose blood alcohol concentration was less than 0.20%, by weight, to participate for at least 3 months or longer in a licensed program that consists of at least 30 hours of program activities, and a first offender whose blood alcohol concentration was 0.20% or more, by weight, or the offender refused to take a chemical test, to participate for at least 6 months or longer in a licensed program that consists of at least 45 hours of program activities. This bill would instead require a first offender whose blood alcohol concentration was less than 0.20% to participate for at least 6 months or longer in a licensed program that consists of at least 45 hours of program activities, and a first offender whose blood alcohol concentration was 0.20% or more, by weight, or who refused to take a chemical test, to participate for at least 9 months or longer in a licensed program that consists of at least 60 hours of program activities. The bill would make conforming changes.

**Status:** Referred to Coms. on Trans. and Pub. S. (last activity 3/17/05)

- AB 1501  
Yee *Juvenile prostitution*  
Existing law establishes conditions and procedures for the treatment of juvenile offenders, as specified. This bill would establish a pilot project, to remain in effect until January 1, 2009, requiring the counties of Alameda and Contra Costa, and the City and County of San Francisco to establish a streamlined and coordinated set of protocols for addressing the needs of minors who have been arrested for prostitution. The bill would also require those counties to develop and implement memoranda of understanding between the counties to coordinate services to be provided to minors who are transferred from one county to another.  
**Status:** Referred to Com. on Pub. S. (last activity 3/17/05)
- AB 1710  
Wyland *Tasers*  
Existing law regulates the sale and possession of stun guns, which term excludes the term "taser." This bill would define "taser" and would require any seller of a taser to register certain information about the buyer with the taser manufacturer. The bill would provide that failure to do so is a misdemeanor.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)
- AB 1728  
Houston *Vehicles: driving under the influence: person under 21 years of age*  
Existing law makes it unlawful for a person under the age of 21 years who has 0.05% or more, by weight, of alcohol in his or her blood to drive a vehicle. This bill would make technical, nonsubstantive changes in the provision of existing law specified above.  
**Status:** From printer. May be heard in committee. (last activity 2/24/05)
- SB 48  
Scott *Ammunition*  
Existing law makes it an offense for any person, corporation, or dealer to sell ammunition or reloaded ammunition to a person, knowing that person to be under 18 years of age, or to sell ammunition or reloaded ammunition designed and intended for use in a handgun to a person, knowing that person to be under 21 years of age. Existing law also establishes an affirmative defense to the offense if, among other things, the seller relied upon bona fide evidence of majority and identity, as defined. This bill would remove the element of "knowing the person to be under the age" of 18 or 21 years of age, as applicable, from the definition of the offense. The bill would require reasonable reliance upon bona fide evidence of majority and identity, as defined, in order for the affirmative defense to apply.  
**Status:** Passed Com. on Pub. S. (7-0). Referred to Com. on Appr. (last activity 3/15/05)
- SB 59  
Lowenthal *Firearms: loss and theft*  
Existing law defines "firearm" and provides that for certain purposes, including certain offenses, "firearm" includes the frame or receiver of the weapon. This bill would provide that the term "firearm" includes the frame or receiver of the weapon for purposes of the offense of failure to report a stolen or lost firearm. Existing law generally regulates the possession of firearms. This bill would make it an infraction for any person whose handgun is stolen or irretrievably lost to fail, within 5 working days after his or her discovery or knowledge of, or within 5 working days after the date he or she should reasonably have known of, the theft or loss, to report the theft or loss to a local law enforcement agency of the jurisdiction in which the theft or loss occurred or in which the person resides. Existing law generally regulates firearms dealers, and requires them to post specified signs at their places of business. This bill would require firearms dealers to post a sign warning that any person who fails to report the loss or theft of a handgun to law enforcement within 5 days after the loss or theft may be guilty of an infraction. This bill would make other technical nonsubstantive changes.  
**Status:** To Com. on Pub. S. (last activity 1/27/05)
- SB 116  
Dutton *Child abandonment: newborns*  
Existing law makes it a crime for a parent of a minor child, without lawful excuse, to not furnish necessary clothing, food, shelter, or medical or remedial care for the child, or to refuse, without



lawful excuse, to accept the child in his or her home or provide alternate shelter. Existing law also makes it a crime for a parent of a child under the age of 14 years to desert the child with intent to abandon, or for any person to knowingly or willfully abandon or, having the ability to refuse to do so, fail to maintain his or her child under the age of 14 years. Existing law, until 2006, provides that no parent or other person having lawful custody of a minor child 72 hours old or younger may be prosecuted for a violation of the above crimes if he or she voluntarily surrenders physical custody of the child to an employee on duty at a public or private hospital emergency room, or any additional location designated by the board of supervisors. Existing law provides that within 48 hours of accepting the physical custody of a child who is surrendered pursuant to these provisions, the personnel that have custody of the child must notify child protective services or a county agency providing child welfare services. Existing law requires that agency to immediately notify the State Department of Social Services of each child to whom this provision applies upon taking temporary custody of the child. This bill would delete that date there by extending those provisions indefinitely.

**Status:** Passed Com. on Jud. (7-0). Referred to Com. on Appr. (last activity 3/15/05)

SB 128  
Ackerman

*Gangs*

Existing law, as amended by initiative, provides that any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, or 2 or 3 years. Existing law also defines "pattern of criminal gang activity" to mean the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of 2 or more of the certain offenses, as specified. Existing law also authorizes the Legislature to amend these provisions with a 2/3 vote of each house of the Legislature. This bill would add several offenses relating to theft of access cards and personal information to the list of offenses qualifying for a pattern of criminal gang activity.

**Status:** From committee with author's amendments. Read second time. Amended. Re-referred to Com. on Pub. S. (last activity 3/15/05)

SB 207  
Scott

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

Existing law provides that a peace officer or, in certain other cases, a magistrate, may cause the removal and seizure of a vehicle, under certain circumstances, as specified. Existing law provides that a vehicle so seized may be impounded for 30 days. This bill would authorize a peace officer to immediately cause the removal and seizure of a vehicle from a person who meets certain circumstances relating to driving a motor vehicle while under the influence of alcohol or drugs, or both (DUI), and who has been previously convicted of DUI within the preceding 7 years. The bill would provide for a 5-day impoundment of that vehicle if the person has been convicted of DUI once within the preceding 7 years, and a 15-day impoundment if the person has been convicted of DUI 2 or more times within the preceding 7 years, subject to a hearing and certain exceptions. The bill would prescribe procedures to be followed for the release of the vehicle prior to the end of the impoundment period, including a requirement that a legal owner who has obtained possession of the impounded vehicle not relinquish the vehicle to the registered owner until after the termination of the impoundment period and until after the registered owner has presented a valid driver's license or valid temporary driver's license to the legal owner.

**Status:** To Com. on Pub. S. Set for hearing April 12. (last activity 3/17/05)

SB 212  
Lowenthal

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

(1) Under existing law, a physician and surgeon is required to report immediately to the local health officer in writing, the name, date of birth, and address of every patient at least 14 years of age or older whom the physician and surgeon has diagnosed as having a disorder characterized by lapses of consciousness. Existing law requires the department, in cooperation with the Department of Motor Vehicles, to define disorders characterized by lapses of consciousness, and to include within the defined disorders Alzheimer's disease and related disorders that are severe enough to be likely to impair a person's ability to operate a motor vehicle. Existing law further requires the local health

officer to provide this information to the Department of Motor Vehicles, for the information of the department in enforcing the Vehicle Code. This bill instead would authorize a physician and surgeon to disclose, voluntarily and in good faith, information relating to a diagnosis of a lapse of consciousness disorder or other medical condition that may affect a patient's ability to drive safely to the Department of Motor Vehicles, and would make conforming changes. The bill would eliminate the responsibilities of the local health officer in this regard. This bill would separately require a physician and surgeon to make a written report to the Department of Motor Vehicles identifying every patient the physician and surgeon has diagnosed with Alzheimer's disease or another dementia disorder, and every patient who suffers from an impairment that significantly compromises the patient's ability to safely operate a motor vehicle and that cannot be controlled or compensated for within a clinically reasonable period of time. It would exempt the physician and surgeon from criminal and civil liability for making a report pursuant to the bill. (2) Under existing law, the Department of Motor Vehicles is responsible for the issuance and renewal of drivers' licenses. This bill would require every driver to report to the department any medical condition that is likely to cause loss of consciousness or any loss of ability to safely operate a motor vehicle, within 10 days of the driver becoming aware of this condition. The bill would require the department, in consultation with professional medical organizations, to determine the temporary conditions that are not required to be reported. The bill would authorize the department, upon receipt of a report from a driver or a physician and surgeon pursuant to the bill, to initiate an administrative hearing to review the driving privileges of the person in question. The bill would authorize the department to take adverse action against the person's driving privileges based on the evidence presented at the hearing, or to require successful passage of a reexamination test as a condition of continued licensure.

**Status:** To Com. on Trans. & Housing. Set for hearing April 5. (last activity 3/14/05)

SB 269  
Dutton

*Unsafe handguns*

Existing law specifies certain features that must be present and tests that must be met for a handgun not to be classified as unsafe, as specified. Existing law also provides that a firearm shall be deemed to meet those requirements if another firearm made by the same manufacturer meets the requirements, and the firearms have only specified cosmetic differences. This bill would include within those specified cosmetic differences, the barrel or chamber dimensions, so long as the difference in dimensions does not in any way alter the functioning of the magazine well or any of the components of the firing mechanism of the firearm. Existing law exempts certain specified handguns from satisfying the requirements necessary for a handgun not to be classified as unsafe. This bill would also exempt single-shot pistols with a barrel length of not less than 3 inches and which has an overall length of at least 7 1/2 inches when the handle, frame or receiver, and barrel are assembled.

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

SB 305  
Morrow

*Firearms*

Existing law generally regulates the transfer of firearms, imposing various requirements, including a waiting period for delivery, as specified, and various exceptions to those requirements. This bill would provide exceptions to certain waiting periods for the delivery of a firearm for persons who possess a valid license to carry a concealed firearm, as specified.

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

SB 388  
Poochigian

*Gun violence public education program*

Existing law establishes various public awareness programs related to crime prevention and education. This bill would establish a pilot program in 3 counties, to provide for a one-year program to disseminate information regarding current prison penalties for the personal use of a firearm during the commission of certain felonies. The participating counties would be required to report to the Legislature and the Governor on the impact of the program, as specified. Each county would be eligible for up to \$1,000,000 in federal grant funds for the program, as available.

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

SB 391  
Poochigian

*Street gangs*

Existing law, as amended by initiative, provides that, subject to exceptions, any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with, any

criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, for a conviction punishable by imprisonment for life, not be eligible for parole until 15 years imprisonment has been served. Existing law provides that these provisions may be amended by the Legislature with a 2/3 vote of each house of the Legislature. This bill would delete the requirement that for a conviction punishable by imprisonment for life, the person would not be eligible for parole until 15 years imprisonment had been served.

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

SB 532  
Torlakson

*BB devices*

Except as otherwise authorized by law, any person who willfully discharges a firearm in a grossly negligent manner that could result in injury or death to a person is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison. This bill would expand the scope of that offense to include a BB device, as defined.

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

SB 585  
Kehoe

*Protective orders: firearms*

Existing law provides that the form for a protective order notify the respondent that he or she shall be ordered to relinquish possession and control of any firearms. Existing law also provides that the court shall order that relinquishment, as specified, within 24 hours of being served the order, and require the respondent to notify the court of the relinquishment within 72 hours. This bill would revise the protective order form to notify the respondent that he or she shall be ordered to relinquish possession and control of any firearms immediately, rather than within 24 hours, and to include a place for the requestor to specify the types of firearms that are present and their possible location. The bill would also require the respondent to notify the court of the relinquishment within 48 rather than 72 hours, and would provide that upon a showing of probable cause, the family court may order a law enforcement officer to serve the protective order and issue a warrant for the search and seizure of any firearm in the possession of the respondent.

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

SB 597  
Torlakson

*Good driver discounts: drunk drivers*

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

**Status:** To Com. on B., F. & I. (last activity 3/3/05)

SB 803  
Ducheny

*Ongoing Substance Abuse and Crime Prevention Act of 2005*

Existing law, the Substance Abuse and Crime Prevention Act of 2000, was enacted by the voters at the November 2000 general election. Amendment of the act by the Legislature requires a 2/3 vote of both houses of the Legislature. The act requires all amendments to it to further the act and be consistent with its purposes. The act defines "drug treatment program" for purposes of the act, and specifically excludes in-custody drug treatment from that definition. This bill would include in that definition an in-custody drug treatment and education program. The act defines "successful completion of treatment" as a defendant who has completed the prescribed course of treatment and, as a result, there is reasonable cause to believe that the defendant will not abuse controlled substances in the future. This bill would instead define "successful completion of treatment" as a defendant who has completed the prescribed course of treatment and has continued thereafter to refrain from the use of drugs during the period of probation. The act requires any person convicted of a nonviolent drug possession offense to receive probation. As a condition of probation, the court is required to require a defendant to participate in, and complete, an appropriate drug treatment program. The act prohibits the imposition of incarceration as a condition of probation. This bill would require drug testing as a condition of probation, and would authorize a court to order a limited sentence of incarceration in a

county jail, as specified. The bill would require a person subject to the act to be monitored by the court, as specified, with a regimen of graduated sanctions. The act does not apply to a defendant who has been convicted of one or more serious or violent felonies, unless the nonviolent drug possession offense occurred more than 5 years after the defendant was free from custody for the prior offense and from the commission of other types of crimes against a person. This bill would add the condition that the court finds that the defendant does not pose a threat to the community and would benefit from a drug treatment program, and would prohibit a person who has previously served 3 separate prison terms for non drug-related felonies from benefiting from the provisions of the bill, unless the court makes that finding. The act does not apply to any defendant who, while using a firearm unlawfully possesses or is unlawfully under the influence of certain controlled substances. This bill would instead make its provisions inapplicable to any defendant who, while armed with a deadly weapon unlawfully possesses or is under the influence of certain controlled substances. Under the act, a defendant may petition the sentencing court for dismissal of the charges at any time after completion of drug treatment. This bill would authorize a defendant to petition the court for dismissal of the charges after completion of drug treatment and all other terms of probation. Under the act, once the indictment, complaint, or information is dismissed, a record pertaining to the arrest and conviction for that offense may not be used to deny the defendant employment. This bill would except employment in a position that involves the safety of the public from that provision. Under the act, if a defendant violates probation, as specified, the court may revoke probation or it may intensify or alter the drug treatment plan. This bill would authorize a court to also order incarceration for a specified period, in order to enhance treatment compliance, and in some circumstances, to order the defendant to complete an in-custody drug treatment program. The act appropriates \$60,000,000 per year for purposes of the act, through the 2005-06 fiscal year. The act prohibits money appropriated for its purposes to be used for drug testing. This bill would appropriate \$150,000,000 per year through the 2010-11 fiscal year. The bill would authorize money appropriated for its purposes to be used for mandatory drug testing. Existing law requires an annual study to evaluate the effectiveness of the act. This bill would change the items to be included in that study.

**Status:** To Coms. on Pub. S and Health. (last activity 3/10/05)

SB 842  
Machado

*Domestic violence*

Existing law requires persons convicted of a crime of domestic violence who are granted probation to successfully complete a batterer's treatment program. This bill would require every city, county, and city and county to develop a system for recording, and to report to the Attorney General on a monthly basis, the total number of persons convicted of domestic violence who are ordered to attend, are currently enrolled in, and have successfully completed, batterer's treatment or intervention programs within its jurisdiction. This bill would also require the Attorney General to report these totals to the Governor, Legislature, and public.

**Status:** To Com. on Pub. S. Set for hearing April 5. (last activity 3/16/05)

SB 969  
Ducheny

*Vehicles: motorcycles: safety helmets: exceptions*

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

**Status:** To Com. on Trans. & Housing. (last activity 3/17/05)

SB 1038  
Hollingsworth

*Firearms*

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

**Status:** From print. (last activity 2/25/05)

SB 1042  
Hollingsworth

*Firearms*

Existing law, subject to exceptions, makes it an offense for any person to manufacture or cause to be manufactured, import into the state, keep for sale, or offer or expose for sale, or to give, lend, or

possess any of certain prohibited weapons, as specified. This bill would make a technical, nonsubstantive change to those provisions.

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

SB 1062

*Domestic violence*

Bowen

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

**Status:** To Com. on Health. Set for hearing April 13. (last activity 3/17/05)

## Shelter

- AB 237  
Arambula *Farmworker housing*  
Existing law requires the Department of Housing and Community Development to establish the Joe Serna, Jr. Farmworker Housing Grant Program under which grants or loans are made to local public entities, nonprofit corporations, and limited partnerships for the construction or rehabilitation of housing for agricultural employees and their families. Existing law authorizes the loan of funds to a grantee at no more than 3 percent simple interest upon request of a grantee, and requires that grants and loans be matched by the grantee with at least equal amounts of federal moneys, other cash investments, or in-kind contribution. This bill would authorize the department to forgive a loan if it determines forgiveness is necessary to the financing or continued viability of housing pursuant to this program. The bill would also authorize the department to waive the matching requirement for migrant housing funded by specified bond funds if the department finds that the waiver is necessary to ensure the housing can be financed. This bill would declare that it is to take effect immediately as an urgency statute.  
**Status:** In Com. on H. & C.D. Set, first hearing. Hearing cancelled at the request of the author. (last activity 3/14/05)
- AB 292  
Maze *Employee housing: agricultural workers*  
Existing law requires every person operating employee housing to obtain, from the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for the enforcement of provisions regarding employee housing, a permit to operate that employee housing unless exempted from this requirement. Existing law deems employee housing consisting of no more than 12 beds in a group quarters or 12 units or spaces designed for use by a single family or household an agricultural land use designation and, for purposes of all local ordinances, does not deem it a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. This bill would provide that, except for local health ordinances, this housing is not deemed a use that implies that it is an activity that differs in any other way from an agricultural use and would declare that the provisions governing this type of employee housing do not prohibit local officials from enforcing local health ordinances.  
**Status:** Referred to Com. on H. & C.D. (last activity 2/22/05)
- AB 350  
Matthews *Jobs-housing opportunity zones*  
(1) Under existing law, redevelopment agencies are authorized to pay the principal of, and interest on, indebtedness incurred to finance or refinance redevelopment, from a portion of property tax revenues diverted from other taxing agencies. The portion of taxes diverted is the amount attributable to increases in assessed valuation of property in the redevelopment project area subsequent to establishment thereof. This method of financing is commonly known as "tax increment" financing and is specifically authorized by Section 16 of Article XVI of the California Constitution. Existing law also authorizes counties and cities to create infrastructure financing districts in the border development zone, as defined, to finance public works utilizing a similar method of tax increment financing in the Mexican border region. This bill would similarly authorize counties and cities to create infrastructure financing districts in jobs-housing opportunity zones, as defined, for the purpose of adopting an infrastructure financing plan to finance public capital facilities in the 5-county interregional partnership area of northern California for the purpose of mitigating current and future imbalances of jobs and housing in the Counties of Alameda, Contra Costa, Santa Clara, San Joaquin, and Stanislaus. Because county officers would be responsible for the division of taxes under the bill, the bill would impose a state-mandated local program in the case of districts formed by cities, but the bill would require all infrastructure financing districts to reimburse those county costs. The bill would also require approval of the proposed infrastructure financing district by the district's landowners or voters, as specified, and of the bonds to be issued by the district to finance public capital facilities. The bill would, beginning July 1, 2006, require the California Infrastructure and Economic Development Bank to review and approve or return a proposed infrastructure financing plan submitted by a city, county, or a city and county for changes pursuant to specified criteria within a time period of not more than 60 calendar days and would require the bank to circulate the plan to other state agencies for review, as specified. The bank would be required to approve not more than 3

proposed infrastructure financing plans commencing with the 2006-07 fiscal year, and 2 more thereafter beginning with the 2007-08 fiscal year for a total of no more than 5 plans. The bank would be required to review and act on only those infrastructure financing plans that meet specified criteria. (2) Existing law establishes the Inter-Regional Partnership (IRP) State Pilot Project to improve the balance of jobs and housing in 5 regional IRP counties through negotiations between the state, the IRP, and local jurisdictions to implement not less than 5 nor more than 10 official IRP Jobs-Housing Opportunity Zones to be equitably distributed among the Counties of Alameda, Contra Costa, Santa Clara, San Joaquin, and Stanislaus. Existing law also requires the IRP to be monitored by the Department of Housing and Community Development, and to test and evaluate policies and incentives, as specified, to mitigate current and future imbalances of jobs and housing in the 5 IRP counties. This bill would require the IRP, on or before July 1, 2006, to determine pursuant to a specified procedure whether the jobs-housing opportunity zones it selected in its evaluation of proposals are ready to submit a proposed infrastructure financing plan to the California Infrastructure and Economic Development Bank for approval.

**Status:** Referred to Com. on L. Gov. (last activity 2/24/05)

AB 389  
Arambula

*Farm labor housing*

Under existing law, employee housing consisting of no more than 12 beds in a group quarters or 12 units or spaces designed for use by a single family or household is deemed an agricultural land use designation and is not deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. Existing law prohibits a conditional use permit, zoning variance, or other zoning clearance that is not required of any other agricultural activity in the same zone from being required of this employee housing. This bill would state the intent of the Legislature to enact legislation to increase the control of a county board of supervisors over farm labor housing development in areas of the county zoned for agriculture.

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

AB 408  
Tran

*Housing: financial discrimination*

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

**Status:** Referred to Coms. on B. & F. and Jud. (last activity 3/14/05)

AB 549  
Salinas

*Affordable housing*

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. That law also prescribes the provisions to be included in the housing element, including, among other things, an identification of adequate sites for housing, including rental housing, factory-built housing, and mobilehomes, and adequate provision for the existing and projected needs of all economic segments of the community. Existing law, for those purposes, allows a city or county to substitute prescribed affordable housing for a specified percent of the obligation to identify adequate sites for any income category. The Planning and Zoning Law also requires a city, county, or city and county to submit a draft housing element or draft amendment to its housing element to the Department of Housing and Community Development for a determination of whether the draft complies with state law governing housing elements. That law also prohibits a local agency from disapproving or imposing specified conditions on an affordable housing development unless it makes specified written findings. This bill would establish a pilot program as an alternative means of determining whether a housing element substantially complies with these provisions by establishing an affordable housing requirement if specified conditions are met by a city, county, or city and county. The bill would require a city, county, or city and county that adopts an alternative production-based certification of its housing element to submit a certification of compliance to the department within 10 days of the adoption of the final draft and to meet other specified criteria,

including an unspecified percentage of the jurisdiction's share of the regional housing need for very low, low-, and moderate-income households, as specified. The bill would also revise one of the specified findings for which a local agency may make a written finding, based on substantial evidence in the record, to disapprove or conditional approval of an affordable housing development and would authorize actual damages as compensation for documented quantifiable losses suffered by a plaintiff or petitioner in an action brought to enforce these provisions as a direct result of a local agency disapproving or conditioning its approval of an affordable housing development, as specified.

**Status:** Referred to Coms. on L. Gov. and H. & C.D. (last activity 3/3/05)

AB 782  
Mullin

*Housing*

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

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

AB 890  
Cogdill

*Housing*

Existing law contains a legislative finding and declaration that California is experiencing a severe housing shortage that compounds itself further each year. This bill would state legislative findings and declarations regarding the lack, supply, and cost of housing.

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

AB 983  
Laird

*Housing*

Existing law contains a legislative finding and declaration that California is experiencing a severe housing shortage that compounds itself further each year. This bill would state the intent of the Legislature to enact legislation to address California's severe housing shortage.

**Status:** Referred to Com. on H. & C.D. (last activity 3/7/05)

AB 1192  
Villines

*Public Works: prevailing wages: affordable housing*

Existing law generally requires the payment of the general prevailing rate of per diem wages to workers employed on public works projects costing over \$1,000, unless the awarding body, as defined, elects to initiate and enforce a labor compliance program, as defined, for every public works project under the authority of that awarding body. Existing law generally defines "public works" to include construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, but exempts from that definition, among other projects, qualified residential projects and low-income housing projects, as specified. This bill would additionally exempt from the definition of "public work" and the prevailing wage requirements the construction, expansion, or rehabilitation of affordable housing units for low- and moderate-income persons, as defined, performed by a nonprofit organization, as defined.

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

AB 1203  
Mullin

*Housing: regional job growth*

Existing law requires a city or county to include a housing element in its general plan, and, for that purpose, prescribes criteria for determining the city or county share of the regional housing needs, including a requirement that the distribution of regional housing needs take into account, among other things, market demand for housing and employment opportunities. This bill would declare the Legislature's intent to authorize local governments to create Greyfield housing and investment zones in coordination with a regional process, in specific areas where additional job growth and high density housing is desired to match transportation, air quality, and other regional priorities. The created zones shall have tax increment authority, access to transportation funds, future infrastructure improvement funds, and affordable housing funds.

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

AB 1233  
Jones

*Housing element: regional housing need*

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a



general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of land suitable for residential development in meeting the jurisdiction's share of the regional housing need, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning facilities and services to these sites. This bill require that this inventory include the jurisdiction's share of the regional housing need in the current planning period and any portion of the share that remains unmet from the planning period for all income levels pursuant to these provisions. This bill would provide that, for purposes of making the assessment and inventory for meeting the locality's share of the regional housing need, a city's or county's share of the regional housing need includes, among other things, the share of the regional housing need for the current planning period and any portion of the regional housing need from the previous planning period that remains unmet.

**Status:** Referred to Coms. on L. Gov. and H. & C.D. (last activity 3/17/05)

AB 1367  
Evans

*General plans: regional housing needs*

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs. The assessment includes the locality's share of regional housing needs. That share is determined by the appropriate council of governments or by the Department of Housing and Community Development, subject to revision by the department. This bill would declare the Legislature's intent to enact legislation that would direct state and regional agencies to take into account locally passed land use initiatives when calculating the fair share of regional housing for cities and counties.

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

AB 1372  
Nunez

*Farmworker housing*

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

**Status:** Referred to Com. on H. & C.D. (last activity 3/14/05)

AB 1390  
Jones

*Housing*

(1) Existing law requires a redevelopment agency to use at least 20% of its tax increment revenues for the purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable cost to persons and families of low or moderate income and lower, very low, and extremely low income households that are occupied by these persons and families unless the agency makes certain findings. Existing law makes a redevelopment agency liable for all court costs and plaintiff's attorney's fees, and requires the agency to allocate not less than 25% of its tax increment revenues to its Low and Moderate Income Housing Fund every year if a court determines that an agency knowingly misrepresented any material facts regarding the community's share of its regional housing need for low- and moderate-income housing or the community's production record in meeting its share of the regional housing need. This bill would require an action to compel compliance with these provisions to be commenced within 10 years of the alleged violation and would provide that the cause of action for a violation accrues when the party bringing the cause of action actually knew or reasonably should have known of the violation. The bill would require an agency or other local government body found to have deposited less into the Low and Moderate Income Housing Fund than mandated by law to repay the fund with interest in one lump sum with certain exceptions. (2) (Section 2 relates solely to Santa Cruz County) (3) Existing law requires dwelling units housing persons and families of low and moderate income that are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project to be rehabilitated, developed, or constructed. Existing law makes the

required number of those new or rehabilitated dwelling units contingent on whether those units are developed by the agency or by public or private entities or persons other than the agency. Existing law defines "substantially rehabilitated dwelling units" for purposes of this requirement as including all units substantially rehabilitated with agency assistance and before January 1, 2002, includes substantially rehabilitated multifamily rented dwelling units with one or 2 units that are substantially rehabilitated with agency assistance. Existing law also defines "substantial rehabilitation" as meaning rehabilitation that value of which constitutes 25% of the after rehabilitation value of the dwelling, inclusive of the land value. Existing law repeals these definitions on January 1, 2006. This bill would delete the repeal of the definition of "substantially rehabilitated dwelling units" and "substantial rehabilitation."

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

AB 1433  
Emmerson

*Housing: affordability and availability*

Existing law encourages local and state governments to use their powers to facilitate the improvement and development of affordable housing for all economic segments of the community in an effort to expand housing opportunities and accommodate the housing needs of Californians at all economic levels. This bill would make a nonsubstantive change to these provisions.

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

AB 1450  
Evans

*Land use: housing elements*

Existing law requires a city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements including a housing element. Existing law requires housing elements to comply with specified law by October 1981. A housing element that was adopted before October 1, 1981 and conformed with specified housing element guidelines adopted by the Department of Housing and Community Development is deemed to be in compliance with this requirement. This bill would repeal those provisions.

**Status:** Referred to Coms. on L. Gov. and H. & C.D. (last activity 3/17/05)

AB 1461  
Salinas

*Community Development Block Grant Program Funds*

Under existing law, the Department of Housing and Community Development allocates federal community development block grant funds to cities and counties. Existing law specifies the percentage of the federal community development block grant funds that are to be used for economic development projects and programs, housing for persons and families of low or moderate income or for purposes directly related to the provision or improvement of housing opportunities for these persons and families, and for cities and counties that apply on behalf of certain Indian tribes. Existing law sets for the maximum amount of the grants. This bill would delete the specified percentages of grant funds that are to be used for the various purposes and the limits on the maximum amount of grants. The bill would require the Department of Housing and Community Development to determine, and announce in the applicable Notice of Funding Availability, these percentage and maximum amounts. The bill would make related conforming changes.

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

AB 1479  
Frommer

*Workforce Housing Reward Program*

Existing law establishes the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants for affordable housing. This bill would require the department to report specified information to the Legislature by January 1, 2007, on the results of the program.

**Status:** Referred to Com. on H. & C.D. (last activity 3/17/05)

AB 1574  
Jones

*Housing: discrimination*

Under existing law, it is unlawful for the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability of that person. This bill would declare the Legislature's intent to enact legislation to address housing discrimination issues.

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

- SB 223  
Torlakson *Infill housing*  
Existing law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs. The housing element also includes a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. Existing law requires the housing element of a local general plan to identify adequate sites for affordable housing to be made available through appropriate zoning and development standards. A city, county, or city and county is required to submit a draft housing element or draft amendment to its housing element to the department for a determination of whether the draft complies with state law governing housing elements. Existing law requires the Department of Housing and Community Development, the California Housing Finance Agency, and various other state and local agencies to administer programs to provide affordable housing through incentives to developers, rental housing assistance, and loans or grants for downpayment, interest subsidy, relocation, veterans' programs, and other home purchase assistance. This bill would establish the Specific Plan Revolving Loan Program to be administered by the Department of Housing and Community Development for the purpose of providing loans, to the extent funds are made available for this purpose, to cities, counties, and cities and counties to adopt specific plans or equivalent planning documents that provide for additional infill housing opportunities. The bill would require, as a condition of loan eligibility, that a specific plan or equivalent land use plan to meet specified criteria, including that it cover an area that is predominantly urbanized and served by public transportation and that it allow for the development of at least 200 new housing units in a nonmetropolitan area or 500 new housing units in a metropolitan area, at least 10% of which will be affordable to very low or low-income households. The bill would limit the amount of a loan from the fund to \$1,000,000 for a term of not more than 10 years at 3% simple interest, except that the department would be permitted to forgive interest or principal, or both, on the loan or extend the term of the loan. The bill would require the department to adopt regulations to implement the program, but would authorize the department to administer the program using guidelines for 24 months from the date funds first become available and during that time the guidelines would not be subject to the Administrative Procedure Act.  
**Status:** To Com. on Trans. & Housing. Set for hearing April 5. (last activity 3/14/05)
- SB 326  
Dunn *Land use: housing elements*  
Existing law requires a multifamily residential housing project to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions. Among those conditions are that the project is subject to a discretionary decision, other than a conditional use permit, and a negative or mitigated negative declaration has been adopted for the project under the California Environmental Quality Act (CEQA). Existing law permits the negative or mitigated negative declaration to be adopted only after a public hearing to receive comments on that declaration if a public hearing is not held with respect to the discretionary decision. This bill would delete "multifamily" and instead provide that a housing development that is proposed to be placed on a parcel zoned for multifamily or single family use is not subject to a conditional use permit on any parcel zoned for housing, if the existing percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions.  
**Status:** To Com. on Trans. & Housing. Set for hearing April 5. (last activity 3/14/05)
- SB 435  
Hollingsworth *Housing: density bonuses*  
The Planning and Zoning Law requires, when a developer of housing proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus or other incentives or concessions for the production of lower income housing units or the donation of land within the development if the developer meets certain requirements, including a requirement that the developer agrees to construct a specified

percentage of the total units for specified income households or qualifying residents. This bill would include within those eligibility requirements the construction of a mobilehome park that limits residency based on age requirements for housing for older persons and the construction, for persons and families of moderate income, of a community apartment project and a stock cooperative. The bill would require a city, county, and city and county to permit an additional incentive or concession, as specified, for projects in which the developer is entitled to a density bonus, but can use less than 50% of the density bonus. Existing law prohibits a city, county, and city and county from applying a development standard that has the effect of precluding the construction of a development meeting the affordable housing criteria that entitles the developer to a density bonus and incentives or concessions. Existing law authorizes a developer to apply for a waiver or reduction of development standards and requires the developer to show that the waiver or modification is necessary to make the housing units economically feasible. This bill would delete the requirement that the developer show that the waiver or modification is necessary to make the housing units economically feasible.

**Status:** To Com. on Trans. & Housing. Set for hearing April 5. (last activity 3/14/05)

SB 565  
Migden

*Low-income housing tax credit allocation program*

Existing law, relating to the program established to provide low-income tax credits to stimulate the production and rehabilitation of shelter for lower individuals and families, authorizes, among other things, the California Tax Credit Allocation Committee to set aside up to 2% of the available tax credit for small developments as determined by the committee. This bill would increase that amount from 2% to 5%.

**Status:** To Com. on Trans. & Housing. Set for hearing April 5. (last activity 3/14/05)

SB 587  
Battin

*Housing: CalHome Program*

Under existing law, CalHome Program funds are required to be used for the purpose of enabling low- and very low income households to become or remain homeowners. This bill would make technical, nonsubstantive changes in the findings and declarations regarding the CalHome Program.

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

SB 588  
Runner

*Redevelopment: low- and moderate-income housing: set aside*

Existing law requires that at least 20% of certain taxes received by a redevelopment agency be used for the purposes of increasing, improving, and preserving the supply of low- and moderate-income housing available at affordable housing cost to persons and families of low or moderate income and lower, very low and extremely low income households, as those terms are defined. Existing law requires these funds to be held in a separate Low and Moderate Income Housing Fund until used. Existing law authorizes a redevelopment agency to adopt a plan for the expenditure of excess surplus funds accumulated in its Low and Moderate Income Housing Fund. Existing law provides that the plan may be general and need not be site specific but requires the plan to include objectives respecting the number and type of housing to be assisted. This bill would authorize the plan for the expenditure of these excess surplus funds to also include objectives respecting the economic development or transportation infrastructure to be assisted.

**Status:** To Com. on Trans. & Housing. Set for hearing April 5. (last activity 3/14/05)

SB 673  
Denham

*CEQA: legislative intent: housing projects*

The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. This bill would declare the intent of the Legislature to enact legislation that would revise the requirements of CEQA governing the environmental review of proposed residential housing projects in urban areas that have demonstrated housing shortages.

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

SB 950  
Torlakson

*Housing: tax credits: tenants*

Existing insurance tax law, the Personal Income Tax Law, and the Corporation Tax Law allow, in modified conformity to federal income tax laws, taxpayers a credit against the taxes imposed by

those laws for providing low-income housing, and require the California Tax Credit Allocation Committee to allocate the credit in accordance with specified criteria. This bill would expand the categories of housing projects with respect to which a credit is allowed, by broadening the category of at-risk of conversion housing, extending the eligible time period in which expirations of specified subsidies may occur, and by allowing buildings held by certain tax-exempt entities to be eligible. Existing law, until January 1, 2011, requires, prior to the anticipated date of the termination of a subsidy contract, expiration of rental restrictions, or prepayment on an assisted housing development, as defined, that the owner provide a notice of the proposed change to each affected tenant household residing in the assisted housing development and to the affected public entities. An owner is not required to provide the notice if specified conditions contained in a regulatory agreement has been recorded against the property. This bill would modify those conditions with respect to rent increases on assisted and unassisted units, as provided.

**Status:** To Com. on Trans. & Housing. (last activity 3/17/05)

SB 1087  
Florez

*Housing elements: services*

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs. That law also requires that the housing element adopted by the legislative body of the city, county, or city and county and any amendments made to that element be delivered to all public agencies or private entities that provide water services at retail or sewer services within the territory of the legislative body. The Planning and Zoning Law also requires each public agency or private entity providing these services to grant a priority for the provision of available and future resources or services to proposed housing developments that help meet the legislative body's share of the regional housing need for lower income households as identified in the housing element and any amendments to the housing element. This bill would require that the adopted housing element and any amendments be delivered immediately, as specified, apply these provisions to the legislative body's share of the regional housing need for very low and low-income households, and would require, within 60 days of the adoption or amendment of the housing element, that these public agencies or private entities adopt a policy for the allocation of these services in conformance with these provisions. This bill would also provide that a provider of water or sewer services may not deny or condition the approval of an application for services, or reduce the amount of the services applied for, if the proposed development includes housing affordable to lower income households and would require the local planning agency or the legislative body to deny an application for any residential or nonresidential development if it finds, based on substantial evidence, that these provisions have not been complied with.

**Status:** To Com. on Trans. & Housing. (last activity 3/17/05)

## Transportation

- AB 56  
Wolk      *Transportation: bicycles*  
Existing law, until January 1, 2005, applies color-lighted bicycle symbols shown by official traffic control signals to operators of bicycles. Existing law authorizes those bicycle signals to be used only at locations that meet specified standards adopted by the Department of Transportation. This bill would extend those provisions indefinitely.  
**Status:** Referred to Com. on Trans. (last activity 1/6/05)
- AB 383  
Montanez      *Air pollution: motor vehicle inspection program: repair assistance*  
Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs and the State Air Resources Board, that provides for the inspection of all motor vehicles, except those specifically exempted from the program, upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law provides for a repair assistance program available to (1) an individual whose maximum income level is 185% of the federal poverty level and whose vehicle has failed a smog check inspection or who was issued a notice to correct for an alleged violation of unlawful motor vehicle exhaust discharge, if the vehicle subject to that notice has failed a smog check inspection subsequent to receiving that notice, or both, and (2) an owner of a motor vehicle that has failed a smog check inspection and that is directed to a test-only facility. This bill would make the repair assistance program available to an individual who meets the criteria in (1) above whose maximum income level is 225% of the federal poverty level, and to an individual who meets the criteria in (2) above whose maximum income level is 250% of the federal poverty level. This bill would also make a conforming change in the definition of "low income motor vehicle owner" regarding the owner's income level as a percentage of the federal poverty level.  
**Status:** From committee chair, with author's amendments. Amend and re-refer to Com. on Trans. Read second time and amended. (last activity 3/17/05)
- AB 509  
Richman      *Regional transportation agencies*  
Existing law authorizes the Department of Transportation or local agencies with respect to highways under their respective jurisdictions to designate certain lanes for exclusive use by high-occupancy vehicles (HOVs). Existing law also authorizes certain local agencies to conduct, administer, and operate value pricing and transit development programs, under which single-occupant vehicles may use designated HOV lanes at certain times of day upon obtaining a permit and paying a fee, otherwise known as a "high-occupancy toll (HOT) lane." This bill would authorize regional transportation agencies to enter into agreements to finance regional user-fee based transportation projects.  
**Status:** Referred to Com. on Trans. (last activity 2/28/05)
- AB 540  
Liu      *State highway projects*  
Existing law gives the Department of Transportation full possession and control of state highways and associated property. Existing law establishes a process for constructing improvements to the state highway system, including a requirement for freeway agreements with affected local governments. This bill would require the department, prior to finalizing design and commencing construction on a state highway project, including a project not requiring preparation of full-scale environmental documents, to first meet and confer with the governing body of the affected city or county, and to thereafter hold at least one public meeting at a time and place that is convenient for the affected community. Following the consultation and public hearing, the bill would provide that the department, to the maximum extent possible, modify the project as necessary to address local concerns.  
**Status:** Referred to Com. on Trans. (last activity 2/28/05)
- AB 1020  
Hancock      *Planning: smart growth models*  
Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional agencies. This bill would require certain federally-designated metropolitan planning organizations and certain state-designated regional transportation planning

agencies to develop and implement improved regional travel models incorporating smart growth concepts and to undertake other related planning activities, thereby imposing a state-mandated local program. The bill would require the department to provide all necessary financial assistance to these agencies. The bill would require all transportation models used by state or regional agencies to be usable on personal computers and to be made available to the public. The bill would enact other related provisions.

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

AB 1170 *San Francisco Bay Area Rapid Transit District: joint use agreements*  
Canciamilla Existing law creates the San Francisco Bay Area Rapid Transit District to construct and operate a rail transit system in the Bay Area. Existing law authorizes the district to enter into agreements for the joint use of any property and rights by the district and any city, public agency, or public utility operating transit facilities for various cooperative ventures relative to transit service. This bill would specifically authorize cooperation in that regard between the district and a county.  
**Status:** From printer. May be heard in committee. (last activity 2/24/05)

AB 1387 *CEQA: residential infill projects*  
Jones The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA prohibits a public agency from approving or carrying out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes specified findings with respect to each significant effect, including, among other things, that (1) the changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment or (2) those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. This bill would provide that, if a residential project on an infill site in an urbanized area is in compliance with the traffic and transportation policies in the general plan or zoning ordinance of the local government, a public agency is not required to make those 2 findings for the impacts of that project on traffic at intersections, or on streets, highways, or freeways.  
**Status:** Referred to Com. on Nat. Res. (last activity 3/14/05)

AB 1623 *Alameda County Congestion Management Agency: congestion management and environmental mitigation fee*  
Klehs Existing law provides for the imposition by air districts and other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles. This bill would authorize the Alameda County Congestion Management Agency to impose an annual fee of up to \$4 on motor vehicles registered within Alameda County for a program for the management of traffic congestion and the mitigation of environmental impacts of motor vehicles within that county. The bill would require the agency to have an independent audit performed on the program and to provide its findings to the Legislature. The bill would require a program with performance measures and a budget before the fee may be imposed. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the proceeds, after deduction of specified administrative costs, to the agency. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the motor vehicles paying the fee, and would require the agency to make a specified finding of fact by a 2/3 vote. The fee would terminate on January 1, 2012.  
**Status:** From printer. May be heard in committee. (last activity 2/25/05)

SB 521 *Local planning: transit village plans*  
Torlakson The Transit Village Development Planning Act of 1994 authorizes a city or county to prepare a transit village plan for a transit village development district that includes all land within not less than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined, and addresses specified characteristics, including a neighborhood centered around a transit station

and a mix of housing types, including apartments, that is planned and designed, as specified, and any 5 of demonstrable public benefits that reduce traffic congestion. The Community Redevelopment Law specifies both the physical and economic conditions that cause blight. This bill would require that the mix of housing types be on parcels of which at least a portion is within not more than a ¼ mile of the exterior boundary of the parcel on which the transit station is located and would require a city or county to allow "use by right" on each parcel within a transit village development district. The bill would also require that the transit village development district only include parcels of land at least a portion of which is within not more than a 1/4 mile of the exterior boundary of the parcel on which is located the transit station. The bill would, additionally, define an economic condition of blight to include the lack of high density development within a transit village development district and would specify requirements to be met by a local agency that relies on this condition.

**Status:** To Com. on L. Gov. Set for hearing April 6. (last activity 3/8/05)

SB 523  
Torlakson

*Bicycle Transportation Account: funding*

Existing law specifies the amounts apportioned monthly from the Highway Users Tax Account in the Transportation Tax Fund to cities and counties and the amounts transferred monthly to the Bicycle Transportation Account in the State Transportation Fund. Under existing law, until June 30, 2006, the sum of \$600,000 is required to be transferred monthly to the Bicycle Transportation Account from the Highway Users Tax Account, but after that date, the amount transferred monthly would be reduced to \$416,667. Existing law continuously appropriates the money in the Bicycle transportation Account. This bill would, after June 30, 2006, change the amount to be transferred monthly from the Highway Users Tax Account to the Bicycle Transportation Account to an unspecified amount.

**Status:** To Coms. on Trans. and Housing. Set for hearing April 5. (last activity 3/14/05)