Maternal and Child Health Access

Perinatal Advisory Council:
Leadership, Advocacy and Consultation

Maternal and Child Health Related Final Legislation
California State Legislature
2010 Session

Background: The following are some of the Maternal and Child Health-related bills presented for this session, 2009-10. This is the end of a two-year legislative session, meaning that bills will NOT carry over into the next legislative session, but will need to be reintroduced. August 31 was the deadline for the Legislature to pass bills in regular session. Over the last two years, 4,294 bills were introduced over the course of the regular legislative session. So far, 868 bills have been signed, 771 are awaiting the governor's signature or veto, 279 bills have been vetoed since the beginning of the legislative session and another 2,395 died in the Legislature.

Thank you to the Western Center on Law and Poverty and Health Access for tracking many of these bills and for the bill write-ups. Please let us know of bills we may have missed! See our contact information below. To read the full text of bills, go to www.leginfo.ca.gov to "Bill Information".

Proposed Legislation

Access and Insurance Coverage

AB 1602
Author: Bass
and SB 900
Author: Alquist/Steinberg
Topic: Federal Health Reform Implementation
Status: Chaptered
Companion bills that implement parts of the new health care reform law by creating the California Health Benefits Exchange within the California Health and Human Services Agency to make health coverage available and create the California Health Insurance Exchange Fund. The Fund will be governed by a board appointed by the Legislature.

AB 1825
Author: De La Torre
Topic: Maternity Services
Status: Vetoed
This bill would require health insurance policies issued, amended or renewed on or after July 1, 2011, and prior to January 1, 2014, to provide coverage for maternity services, as defined and would require health insurance policies issued, amended, or renewed on or after January 1, 2014, to provide coverage for

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maternity services consistent with the federal Patient Protection and Affordable Care Act. The bill would also, until January 1, 2014, to the extent permitted under federal law, authorize certain individual health insurance policies to include an exclusionary period of up to 12 months on maternity services, as specified, and would require the insurer to provide a specified notice regarding that exclusionary period at the time of solicitation for the policy.

AB 2244
Author: Feuer
Topic: Kids coverage – preexisting conditions
Status: Chaptered
Requires guaranteed issue, eliminates all pre-existing condition exclusions and phases in modified community rating for children under age 19 in the individual insurance market.

AB 2287
Author: Monning
Topic: Prevention and wellness grants
Status: Held, Senate Appropriations
Would implement the elements of federal health reform that provide community transformation grants to promote wellness and prevention. The grants would fund evidence-based, community prevention activities to reduce chronic disease rates and address health disparities.

AB 2345
Author: De La Torre
Topic: Covering preventive services
Status: Chaptered
Requires insurers to eliminate cost-sharing for some preventive services such as pap smears, mammograms, other cancer screenings, and immunizations. The bill allows continued co-pays and deductibles for managing chronic diseases such as asthma, diabetes and heart disease.

AB 2599
Author: Bass
Topic: Medi-Cal: South Los Angeles
Status: Chaptered
This bill would enact Medi-Cal funding provisions for a new hospital that would be a private nonprofit entity that would serve the population of South Los Angeles formerly served by the Los Angeles Martin Luther King Jr.-Harbor Hospital.

AB 2787
Author: Monning
Topic: Office of the California Health Ombudsman
Status: Died, Senate Appropriations Suspense File
This bill would establish the Office of the California Health Ombudsman to be appointed by the Governor. The bill would require the ombudsman to educate consumers on their rights and responsibilities with respect to health care coverage, assist consumers with enrollment in health care coverage, and resolve problems with obtaining specified premium tax credits. The bill would require the ombudsman for a federal grant to implement these requirements and would also be funded through an assessment on health plans. The ombudsman would contract with local, non-profit consumer assistance programs to help consumers.

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SB 56
Author: Alquist
Topic: Public Option
Status: Senate. To Unfinished Business. Vetoed.
Would authorize county-organized health plans and other health benefits programs to form joint ventures to create integrated networks of public health plans that pool risk and share networks, subject to Knox Keene requirements.

SB 220
Author: Yee
Topic: Tobacco cessation insurance coverage
Status: Senate. To Unfinished Business. Vetoed.
Requires certain health care service plan contracts and health insurance policies to provide coverage, and not impose cost-sharing requirements for specified tobacco cessation treatment.

SB 810
Author: Leno
Topic: Single-payer health care coverage
Location: Died, Assembly Floor
This bill would establish a new single-payer health care system for all Californians.

SB 890
Author: Alquist
Topic: Individual health coverage protection
Status: Vetoed
Provides consumer protections for Californians who purchase health coverage as individuals, so that insurers cannot deny based on health status, and sets standard of basic health care services for Department of Insurance and Department of Managed Health Care plans.

SB 1088
Author: Price
Topic: Young adult coverage
Status: Chaptered
Would require group health plans to allow young adults to continue on coverage as a dependent up to age 26, however, employers are not required to contribute to the cost of coverage for those dependents 23 or older.

SB 1104
Author: Cedillo
Topic: Diabetes Disease Management
Status: Died, Senate Appropriations
Requires health plans to provide coverage for the diagnosis and treatment of diabetes-related complications.

Changes to Health and Social Service Programs for Low-Income People

AB 342

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Author: Perez
And SB 208
Author: Steinberg
Topic: Medi-Cal Waiver
Status: Senate inactive file – this is an "urgency" bill and may be voted on when budget voted
This bill would draw down up to two billion dollars in federal funding to expand coverage to medically indigent populations, the adults not now eligible for Medi-Cal. The waiver would also move seniors and people with disabilities, including children, into mandatory managed care for Medi-Cal.

AB 537
Author: Arambula
Topic: Farmers' markets: electronic benefit transfers
Status: Chaptered
Existing law provides for the establishment of a statewide electronic benefit transfer (EBT) system for the purpose of providing financial and food assistance benefits to needy Californians. This bill would allow an interested collective group or association of produce sellers that is Food and Nutrition Service (FNS) authorized and in a flea market, farmers' market, or certified farmers' market to initiate and operate an EBT acceptance system in the market, as specified. The bill would provide that an individual produce seller in a market is not prohibited from operating his or her own individual EBT acceptance activity as part of that seller's personal business customer transaction offering.

AB 963
Author: Ammiano
Topic: Public social services: renewal and recertification of eligibility
Status: Died in Senate Appropriations
This bill would require the Department of Health Care Services (DHCS) and the Department of Social Services (DSS) to establish a stakeholder committee to recommend necessary changes required to align Food Stamp, Medi-Cal and CalWORKs reporting and recertification policies, forms and procedures.

AB 1756
Author: Swanson
Topic: Food stamps eligibility: drug felonies
Status: Died in Senate Appropriations
Existing law provides that a person convicted of a drug-related felony, with certain exceptions, is eligible for aid under the Food Stamp program, if specified requirements are met. This bill would, instead, provide that a person convicted of any drug felony shall be eligible for aid under the Food Stamp program, and would eliminate the above-referenced eligibility requirements.

AB 1758
Author: Ammiano
Topic: County wraparound services program
Status: Chaptered
This bill makes permanent and expands statewide the foster youth Wraparound Services Program by removing the designation as a pilot project from statute. Medi-Cal, CalWORKs and Food Stamps are among the programs and services offered through these wraparound pilots that currently exist in 43 counties.

AB 1914
Author: Davis

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Topic: Clarifying rules for food stamp benefits for persons awaiting Unemployment Insurance
Status: Vetoed
This bill would require a county to take into consideration unemployment compensation benefits of an applicant or recipient of food stamp benefits for the purposes of determining eligibility and the benefit amount only if the county obtains a report from the applicant income and eligibility verification system, containing specified information relating to the applicant's unemployment compensation benefits. AB 1914 ensures that counties will not deny someone food stamp benefits until a determination is made by EDD.

AB 1932
Author: Hernandez
Topic: Medi-Cal ambulance transportation services: reimbursement service levels
Status: Died in Senate Appropriations
This bill would enact the Ambulance Payment Reform Act of 2010 to require that emergency basic life support and advanced life support services are covered under the Medi-Cal program when, as determined by the department, a patient could reasonably expect that an absence of immediate medical attention would result in significant adverse health effects. The bill would require the department to develop rates for specified emergency and nonemergency ambulance transportation services - not more than rates charged the general public.

AB 2018
Author: Skinner
Topic: Intercounty transfers for food stamps
Status: Vetoed
This bill would require the State Department of Social Services to establish a process of intercounty transfer (ICT) of eligibility for benefits under SNAP (food stamps) when a recipient moves from one county to another within the state. This bill would specify, commencing no later than April 1, 2011, that for recipients of SNAP benefits who are also recipients of CalWORKs benefits, the ICT process utilized for CalWORKs shall be used. This bill would further specify, commencing no later than April 1, 2011, that for recipients of SNAP benefits who are also recipients of Medi-Cal benefits, but not recipients ofCalWORKs, the ICT process utilized for Medi-Cal shall be used.

AB 2173
Author: Beall
Topic: Emergency air medical transportation providers: penalty levy: reimbursement augmentation
Status: Chaptered
This bill would establish a $4 penalty on every vehicle code violation to be matched in Medi-Cal and used to make supplemental payments for emergency air medical transportation services in Medi-Cal.

AB 2352
Author: Perez
Topic: Organ transplants – Anti-rejection medications
Status: ON GOVERNOR'S DESK
Under existing law, organ transplants and donor surgeries are covered as reimbursable services under the Medi-Cal program. This bill would provide that a Medi-Cal beneficiary will remain eligible to receive Medi-Cal coverage for antirejection medication for up to two years following an organ transplant, unless during that period the beneficiary becomes eligible for Medicare or private health insurance that would cover the medication.

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AB 2477
Author: Jones
Topic: Continuous Eligibility for children for Medi-Cal
Status: Died, Senate Health Committee
Removes the requirements for Mid –Year status reports for children, to allow Continous Eligibility for children that otherwise will be lost as of January 1, 2011.

SB 1322
Author: Liu
Topic: Food Stamp employment and training
Status: Senate. To Unfinished Business. Vetoed.
Existing federal law requires all food stamp recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program. This bill sets conditions for this program.

Child Health

AB 52
Author: Portantino
Topic: Cord blood collection
Status: **Chaptered**
This bill would set up a system to let parents donate cord blood at delivery at no cost. It would be made available to them and to members of the public seeking matches. Collection involves drawing blood from the placenta, through the umbilical cord, after a baby is delivered. Families currently pay up to $2,000 for the procedure and $100 a year for storage. Free collection would be financed, in large part, by a $2 increase for certified birth certificates, which cost $14 now. Supporters of the bill say California's sheer size and the ethnic diversity of the state's half million newborns each year are key to dramatically boosting cord-blood supplies. This would aid more patients of various ethnic backgrounds, who could use transplants of the blood to fight leukemia, sickle cell anemia and other blood and immune disorders. Right now, a Caucasian has a 60 percent to 70 percent chance of finding a cord-blood match from the nation's current supply. African Americans and Asians have a 30 percent chance and Latinos a 40 percent chance. California – 37 percent Latino, 13 percent Asian and almost 6 percent black – also is home to the nation's largest population of multiracial people, who also face slimmer chances of finding matches.

AB 2298
Author: Torlakson
Topic: Physical Education in schools
Status: Died in Senate Appropriations
This bill would require the department to periodically update the rules and regulations relating to physical education consistent with the Education Code and content standards developed by the State Board

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of Education. The bill would specify that the physical education manual that must be distributed to teachers in the public schools be consistent with the requirements for physical education outlined in the Education Code and the content standards adopted by the state board. This bill would modify findings and declarations to emphasize the importance of the Physical Education Model Content Standards for California Public Schools and the Physical Education Framework, adopted by the state board, to the physical education program in the public schools. This bill would require that courses of physical education provide each pupil with instruction and assessment of their learning consistent with the physical education model content standards, as specified.

AB 2705
Author: Hall
Topic: Physical Education
Status: Died, Assembly Appropriations
This bill would state the intent of the Legislature to increase the flexibility of joint use policies and practices that will allow schools and communities to optimize resources, share costs, and identify creative solutions to increase access to safe places to play and exercise. Existing law 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. This bill would require, by the start of the 2013-14 school years, an additional physical fitness element that includes at least 30 minutes per day of moderate to vigorous physical activity as specified. This bill would require that opportunities for physical fitness to include at least 30 minutes per day of moderate to vigorous physical activity, as defined in the Physical Education Model Content Standards and Physical Education Framework as specified, commencing by the start of the 2013-14 school year.This bill would require that, by the start of the 2013-14 school year, at least 50% of the time spent in physical education be spent in moderate to vigorous physical activity within the context of the physical education content standards and framework as adopted by the State Board of Education. This bill would require that, by the start of the 2013-14 school year, at least 50% of the time spent in physical education be spent in moderate to vigorous physical activity within the context of the physical education content standards and framework as adopted by the State Board of Education.

SB 1200
Author: Jones
Topic: Timely School-based care for children
Status: Died, Assembly Appropriations
This bill would add availability of school-based health care to the timely access to care provisions for which the department may adopt standards. The bill would instead authorize the department to report and make recommendations to the Assembly Committee on Health and the Senate Committee on Health regarding those standards. The bill would require health care service plans and health insurers to work constructively with local education agencies to provide reimbursement for covered health care services provided to a child during school hours and to ensure adequate availability of licensed health care professionals to accommodate the necessary medical needs of children during school hours.

Environmental Health Issues

AB 1069
Author: Monning
Topic: Plant pests: eradication: pesticide use: notice
Status: Consideration of Governor's veto stricken from file. Vetoed.

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Existing law requires the Department of Food and Agriculture to, among other things, establish a telephone hotline for the public to report adverse health consequences and a process to evaluate and respond to adverse health consequences, if the department determines that an invasive pest has entered the state and an urban aerial application of a pesticide or a communitywide ground application of pesticide is the selected response. This bill would require the telephone hotline number to be toll free and staffed by public health personnel familiar with thepesticide being applied. The bill would require the public health personnel to do certain things with respect to callers complaining of adverse health consequences.

SB 797
Author: Pavley
Topic: Product safety: Bisphenol A
Status: Died in Senate
The bill would enact the Toxin-Free Infants and Toddlers Act, which would prohibit, on and after January 1, 2012, the manufacture, sale, or distribution in commerce of any bottle, cup, or liquid, food, or beverage in a can, jar, or plastic bottle that contains bisphenol A, or that is lined with a material that contains bisphenol A, at a level above 0.1 parts per billion (ppb). It would also, except as specified, prohibit, on and after July 1, 2012, the manufacture, sale, or distribution of liquid infant formula in a can or plastic bottle containing bisphenol A or lined with a material containing it. The bill would also require manufacturers to use the least toxic alternative when replacing bisphenol A in containers in accordance with this bill.

SB 1212
Author: Leno
Topic: Cell phones absorption rate
Status: Died
This bill would require specific language relating to the specific absorption rate, as defined, to be included at the point of sale *on the Internet Web site of a phone service provider or manufacturer*, on the exterior packaging, and in the instruction manuals of cellular telephone devices, as defined, that are sold in the State of California.

Mental Health

AB 1600
Author: Beall
Topic: Mental Health Parity
Status: Vetoed
This bill would require most health plans and health insurers to cover the diagnoses and treatment of a mental illness, as defined, for a person of any age, including a child, and not limited to coverage for severe mental illness as in existing law.

Nursing, Physician, and Health Care Workforce

AB 2354
Author: V. Manuel Perez
Topic: Promotores: underserved communities: federal grants
Status: Died, Senate Appropriations
This bill would require the State Department of Public Health to assess positive health behaviors grants

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available through the Patient Protection and Affordable Care Act for funding opportunities related to the use of promotores in medically underserved communities in California.

Nutrition

AB 537
Author: Arambula
Topic: Farmer's Markets
Status: Chaptered
Increases access to healthy foods at farmers' markets by allowing participating farmers to operate an Electronic Benefits Transfers (EBT) payment system.

AB 2084
Author: Brownley
Topic: Healthy beverages in child care
Status: Chaptered
Establishes guidelines that are consistent with the recommendations of the American Academy of Pediatrics for beverages served in licensed child care settings.

AB 2100
Author: Coto
Topic: Soda Tax
Status: Died, Assembly Revenue and Taxation
This bill would impose a tax on every distributor, as defined, at the rate of one cent ($0.01) per teaspoon of added caloric sweetener in the bottled sweetened beverage or concentrate sold or offered for sale to a retailer in this state, and on a retailer who sells bottled sweetened beverages or concentrate in this state to consumers on which the tax has not been paid by a distributor.

AB 2720
Author: Perez
Topic: Food accessibility
Status: ON GOVERNOR'S DESK
Establishes a California Healthy Food Financing Initiative to require the Department of Food and Agriculture to prepare recommendations to be presented to the legislature regarding actions that need to be taken to promote food access in the state, and to coordinate efforts to implement the initiative and maximize federal funding. The fund would also help grocers and farmers' markets open new locations in poor neighborhoods and help existing corner stores expand to stock more fresh produce.

SB 1210
Author: Florez
Topic: Soda tax
Status: On Suspense, Revenue and Taxation Committee
This bill would impose a tax on every distributor, as defined, at the rate of $0.01 per teaspoon of added caloric sweetener in bottled sweetened beverages or sold or offered for sale to a retailer in this state, or on a retailer who sells bottled sweetened beverages or concentrate in this state to consumers on which the tax has not been paid by a distributor.

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SB 1413
Author: Leno
Topic: Availability of tap water in schools
Status: ON GOVERNOR'S DESK
This bill would require a school district to provide access to free, fresh drinking water during meal times in school food service areas by July 1, 2011, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns.

Perinatal Care and Reproductive Health

AB 1900
Author: Skinner
Topic: Pregnant inmates and wards: least restrictive restraints
Status: Vetoed
The bill promotes standards to be used by state and local jurisdictions for how pregnant prisoners should be restrained when outside the facility for any reason, including court appearances and medical care. Existing law requires the Corrections Standards Authority to establish minimum standards for state and local correctional facilities, including standards restricting the shackling of women in labor, during childbirth, and while in recovery after giving birth, and to review those standards biennially and make any appropriate revisions, as specified. Currently California is only one of eight states which prohibits restraints during labor. While this is a good start, there are other times of concerns, such as when the prisoner is receiving medical treatment for potentially life-threatening conditions or when going to appointments, and the shackling of wrists, ankles and a belly chain while chained to another (nonpregnant) prisoner increases the chance for harm to the woman and her developing fetus. This bill would require specifically that the standards ensure that women who are pregnant shall not be shackled by the wrists, ankles, or both during any transport, during labor, during delivery, and while in recovery after giving birth, except that the least restrictive restraints possible may be used when deemed necessary for the inmate, consistent with the legitimate security needs of the inmate, the staff, and the public. The bill would require the authority to develop these standards regarding the shackling of pregnant women as part of its biennial review of its standards.

Women' Health

AB 1640
Author: Evans
Topic: Breast and Cervical Cancer Screening
Status: Vetoed
This bill would express the intent of the legislature that the demand for the breast and cervical cancer screening program for low-income women be met and that at least 90 day notification be made to the legislature before any change in eligibility requirements for this program. Other substantive changes previously called for by AB 1640 will be taken up in the budget.

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Workplace Issues

AB 2468
Author: De Leon
Topic: Lactation accommodation: workplace
Status: **Vetoed**
Existing law requires every employer to provide a reasonableamount of break time to accommodate an employee who desires to express breast milk for the employee's infant child. Existing law requires employers to make reasonable efforts to provide the employee with the use of a room, other than a toilet stall, for the employee to express breast milk, as specified. This bill would authorize an employer to use the designation "Breast-Feeding Mother-Friendly Workplace" in its promotional materials if the employer submits its workplace breast-feeding policy to the Labor Commissioner and the Labor Commissioner determines that the employer's policy provides for specified criteria.

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