



Maternal and Child Health Related Proposed Legislation California State Legislature 2007-2008 Session

Background

PAC/LAC and Maternal and Child Health Access created the following list of MCH-related current legislation. This is the first year of the two-year 2007-2008 regular session. All new bills had to be proposed by February 23, 2007, or new bill subjects may be created by amending old bills. For a list of bills passed and signed in 2006, please contact us. This is a bipartisan list: our organizations do not necessarily support or oppose the bills listed. Updates on substantive changes and status of the legislative process will be made available throughout the session. (Note: significant content changes are italicized) For more information on the status of specific bills, see www.leginfo.ca.gov.

Please let us know of bills we may have missed! See our contact information below.

Proposed Legislation

Access and Insurance Coverage

AB 1

Author: Assemblymembers John Laird and Mervyn Dymally

Topic: Health Care Coverage

Status: Passed Assembly 6/07/07; Passed Senate Health 7/12/07; Passed Senate Appropriations 9/11/07; Held at Desk 9/12/07

***Related Bill:** SB 32 (Steinberg)

The overall intent of this bill, as stated by the author, is to allow all children living in California to have access to affordable, comprehensive health care coverage, by improving the operations and simplifying the enrollment process for state health care coverage programs. This bill would expand eligibility for Medi-Cal and the Healthy Families Program by allowing children with family incomes at or below 300% of the federal poverty level to qualify for the program and would delete the specified citizenship and immigration status requirements. The bill would establish a HFP Buy-In Program for children in families with family incomes above 300% FPL. *This bill establishes standards of financial eligibility for treatment services under California's Services Program (CCS program).* It would require MRMIB and DHCS to maximize federal matching funds and implement strategies to coordinate with other programs that provide health care coverage for children. Additionally, the bill would make various modifications to Medi-Cal and the Healthy Families Program, including creating the Medi-Cal to Healthy Families Presumptive Eligibility Program to provide a child who meets certain criteria with presumptive eligibility benefits identical to full scope benefits under the Medi-Cal program with no share of cost until a Medi-Cal eligibility determination is made.

AB 2**Author:** Assemblymember Mervyn Dymally**Topic:** Health Care Coverage**Status:** Passed Assembly 6/04/07; Passed Senate Health 7/17/07; Senate Appropriations – 3rd reading 9/07/07; to inactive file at Author's request 9/11/07

Existing law establishes the California Major Risk Medical Insurance Program (MRMIP) that is administered by the Managed Risk Medical Insurance Board (MRMIB) to provide major risk medical coverage to persons who, among other matters, have been rejected for coverage by at least one private health plan. Under a pilot program ending on December 31, 2007, existing law requires a health care service plan and a health insurer to offer a standard benefit plan to certain individuals, and requires MRMIB to make payments from the Major Risk Medical Insurance Fund, a continuously appropriated fund, to health care service plans and insurers for the provision of health services under those standard benefit plans. *This bill would enact health insurance market reforms requiring health care service plans and health insurers, effective January 1, 2009, to make available health benefit plans in the individual market to all persons who are not determined to be eligible for MRMIP on the basis of a standardized health questionnaire. This bill would also require health care services plans and health insurers to elect to either make available all of their group or individual health benefit plans to individuals in each service area, or to alternatively pay a fee for covering their market share.* Because the fee would be deposited in the fund, the bill would make an appropriation by increasing the amount of revenue in a continuously appropriated fund. The bill revises the eligibility criteria for MRMIP and would require MRMIB to perform specific duties including establishing guidelines for disease management, case management, care management and other cost management strategies.

AB 8**Author:** Assembly Speaker Fabian Nunez**Topic:** Health Care Coverage: Employers and Employees**Status:** Passed Assembly 6/01/07; Passed Senate 9/10/07; Enrolled 9/10/07; **Vetoed by Governor 10/12/07**

This bill reflects the intent of the Legislature to accomplish the goal of universal health care coverage for all California residents within five years. This bill would require the California Health and Human Services Agency to encourage fitness, wellness, and health promotion programs, create an advisory body, and to assume responsibility for professional review and development of best practice standards for high cost chronic diseases. As of January 1, 2009, this bill would create the California Cooperative Health Insurance Purchasing Program (Cal-CHIPP), which would function as a purchasing pool for health care coverage by employers and be administered by the Managed Risk Medical Insurance Board. The bill would require employers to make health care expenditures of an amount that is equivalent at a minimum of 7.5% of the employer's total social security wages or, *alternatively, to elect to pay an employer fee for health care coverage provided through Cal-CHIPP. The bill provides that every health care service plan offering group health plan contracts shall provide as one coverage option of each group contract a benchmark plan established by the board so that group members and their dependents with family incomes at or below 300% of FPL that are determined eligible for coverage through the Medi-Cal or Healthy Families Programs can enroll in the benchmark plan.* This bill would also expand the number of children eligible for coverage under the Healthy Families Program and the number of persons eligible for the Medi-Cal Program. The bill would delete as an eligibility requirement for a child under the Healthy Families Program and the Medi-Cal program that the child must meet citizen and immigration status requirements.

AB 30**Author:** Assemblymember Noreen Evans**Topic:** Health Care Coverage: Inborn Errors of Metabolism**Status:** Assembly Health Third Reading 4/12/07

This bill would require health plans to cover the cost of treatment, including formula and food, for children with metabolic disorders. *Coverage is not required except to the extent that the cost of the necessary formulas and special food products exceeds the cost of a normal diet.* This would be a state mandated program, however no reimbursement by the state would be required.

AB 431

Author: Assemblymember Edward P. Hernandez
Topic: Medi-Cal: Pediatric Outpatient Services
Status: Assembly; 1st year bill; No committee action taken

This bill states the intent of the Legislature to enact legislation that would establish a pediatric outpatient 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.

AB 516

Author: Assemblymember Sandre Swanson
Topic: Health Care Coverage: Comprehensive Continuum of Care
Status: Passed Assembly Health 5/01/07; Assembly Appropriations – Held under submission 5/31/07

This bill would require the State Department of Health Care Services, by January 1, 2009, to prepare and provide to the Legislature a report on how to provide a comprehensive continuum of care that would improve the connection of uninsured citizens of the state to health care services. Comprehensive topics would include methods to increase health care access sites, extend the hours of access, increase the availability of low-cost space to health care access sites, methods to support the advancement of community health work programs including training programs, curriculum development, etc. This bill would address the wide range of services that are needed to meet the specific needs of the community.

AB 910

Author: Assemblymember Betty Karnette
Topic: Disabled Persons: Support and Health Care Coverage
Status: Chaptered into Law 10/13/07

Under existing law, a plan and a health insurer are required to provide that coverage for a dependent child who attains a limiting age specified in the plan or policy shall not terminate if the child is and continues to be both incapable of self-sustaining employment by reason of mental retardation or a physical handicap and chiefly dependent upon the subscriber or insured for support. This bill would change the first criterion, requiring a health care service plan and a health insurer to provide that coverage of a dependent child shall not terminate upon attaining the limiting age if the child is and continues to be incapable of self-sustaining employment by reason of *mental disability, including, but not limited to, physically or mentally disabling injury, illness or condition*. The bill would require the plan and insurer to notify the subscriber or insured 90 days before the dependent child attains the limiting age and to continue coverage pending its determination as to whether the child meets the criteria for coverage after attaining the limiting age. The bill would also require after a change in carriers, that the new plan or insurer accept the prior carrier's determination that a dependent child satisfies the criteria for continued coverage unless the director of the department or the Insurance Commissioner finds otherwise.

SB 32

Author: Senator Darrell Steinberg
Topic: Health Care Coverage: Children
Status: Passed Senate 6/07/07; Full Assembly 3rd reading 9/07/07; Placed in inactive file 9/11/07

***Related Bill: AB 1 (Laird & Dymally)**

This bill would expand eligibility for the Medi-Cal and Healthy Families Programs by allowing children with family incomes at or below 300% of the federal poverty level to qualify for the programs and would delete the specified citizenship and immigration status requirements. The bill would accept the applicant's signature on the application for the Healthy Families program as verification of the value or amount of income for purposes of establishing eligibility for the program. *The bill increases the maximum family income for Medi-Cal eligibility for children over six years of age from 100% FPL to 133% FPL. It sets HFP premiums for those with family incomes of 251-300% FPL at \$16 to \$22.50 per month per child with a*

maximum of \$48 to \$67.50 per month per family. It allows self-certification of income when applying for HFP. The bill would create the Healthy Families Buy-In Program that would be administered by the Managed Risk Medical Insurance Board and would make the coverage provided under the Healthy Families Program available to children whose household income exceeds 300% of the federal poverty level and who meet other specified criteria. The bill would specify the family contribution required for children enrolled in the buy-in program. The bill would also make various related modifications to the Medi-Cal program and the Healthy Families Program and would require the State Department of Health Care Services and the Managed Risk Medical Insurance Board to maximize federal matching funds for the Medi-Cal program and the Healthy Families Program. The bill would require the MRMIB and the State Department of Health Care Services to take specified actions to improve and coordinate the application and enrollment processes for the Medi-Cal program and the Healthy Families Program and to develop a process to transition the enrollment of children from local children's health initiatives into those programs.

SB 48

Author: Senator Don Perata

Topic: Health Care Coverage: Employers and Employees

This bill was introduced by Senator Don Perata regarding Health Care Coverage: Employers and Employees. That legislation has since been combined with SB 8. This bill has undergone significant substantive changes and is now authored by Senator Elaine Alquist and relates to Community Development: Healthy Food Choices. A detailed description can now be found under Nutrition.

SB 236

Author: Senator George Runner

Topic: Health Care: Cal CARE program

Status: Senate; 1st year bill; No committee action taken

This bill would express the Legislature's intent to enact the Cal CARE program to improve access to health care services for the residents of the state, eliminate regulatory hurdles and create consumer options; provide new incentives for hospitals and private industry to increase the number of clinics; offer incentives to employers who offer health care coverage for their employees; prioritize First 5 funding for children's health care initiatives; and provide tax incentives to allow an individual the same tax benefit as an employer that provides health insurance to its employees.

SB 260

Author: Senator Darrell Steinberg

Topic: Medi-Cal

Status: Passed Senate 6/04/07; Passed Assembly 9/05/07; Enrolled and sent to Governor 9/06/07; **Vetoed by Governor, to Senate unfinished business 10/14/07**

Existing law provides that federally qualified health center services and rural health clinic services, as defined, are covered benefits under the Medi-Cal program to be reimbursed, to the extent that federal financial participation is obtained, to providers on a per-visit basis. "Visit" is defined as a face-to-face encounter between a patient of a federally qualified health center or a rural health clinic and specified health care professionals. This bill would provide that more than one encounter between a patient and the same health care professional on the same day and at a single location may each be separately reimbursed in specified circumstances. The bill would also provide that, under specified circumstances, visits with different health care professionals on the same day of service may be billed as separate visits. *This bill is to be operative only if SB 238 and this bill are enacted.*

SB 840

Author: Senator Sheila Kuehl

Topic: Single-Payer Health Care Coverage

Status: Passed Senate 6/06/07; Passed Assembly Health 7/09/07; Re-referred to Assembly Appropriations 7/10/07
*Related Bill: SB 1014

This bill would establish the California Healthcare System and make all California residents, including those who travel out of state, eligible for specified health care benefits. The California Healthcare System 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 also create the Healthcare Policy Board to establish policy on medical issues and various other matters relating to the system and the Office of Patient Advocacy to represent the interests of health care consumers relative to the system. The bill would create the Office of Health Planning to plan for the health care needs of the population, and the Office of Health Care Quality, headed by a chief medical officer, to support the delivery of high quality care and promote provider and patient satisfaction. The bill would also create the California Healthcare Premium Commission to determine the cost of the California Healthcare System and to develop a premium structure for the system that complies with specified standards. The bill specifies that only its provisions relating to the Premium Commission would become operative on January 1, 2008, with its remaining provisions becoming operative on the date the Secretary of Health and Human Services notifies the Legislature that sufficient funding exists to implement the California Healthcare System.

SB 1014

Author: Senator Sheila Keuhl

Topic: Taxation: Single-Payer Health Care Coverage Tax

Status: Passed Senate Health 4/18/07; Revenue and Taxation hearing postponed by committee 4/25/07

*Related Bill: SB 840

This bill would impose an additional tax at the rate of 1% on the taxpayer's taxable income that exceeds \$200,000, but is not over \$1,000,000, a tax on self-employment income of an individual taxpayer and a tax on nonwage income of a taxpayer. It would further require all revenues received by the Franchise Tax Board from those taxes to be deposited in the Health Insurance Fund. This bill would impose a health care coverage tax on the wages of an employee to be paid by both the employee and his or her employer.

Changes to Health and Social Service Programs, Including Eligibility and Enrollment

AB 22

Author: Assemblymember Sally J. Lieber

Topic: CalWORKS: Maximum Aid Determination

Status: Passed Assembly Health 3/27/07; Assembly Appropriations hearing set for 5/31/07 - Canceled at author's request

Under existing law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of the child, with specified exceptions. This bill, commencing January 1, 2008, would phase out the exclusion of a child born into a family receiving aid for the 10 months prior to the child's birth, for purposes of determining the family's maximum aid payment, and would repeal this exclusion effective January 1, 2011.

AB 381

Author: Assemblymember Cathleen Galgiani

Topic: Medi-Cal: Provider Reimbursement

Status: Chaptered into Law 10/5/07

Existing law, subject to certain exceptions, prohibits a provider under the Medi-Cal program from submitting a reimbursement request to the Medi-Cal program that contains a beneficiary's social security number in order to receive payment if the department has issued that beneficiary a Medi-Cal beneficiary identification card containing a beneficiary number that includes the issuance date. This prohibition does not apply to a licensed hospital, long-term health care facility, a primary care clinic, or emergency medical transportation services. This bill would delete the limitation on this prohibition to those instances in which the request is

submitted in order to receive payment, but would exempt the submission of a request by a provider for beneficiary eligibility from the prohibition. This bill would exempt from this prohibition a licensed hospital, long-term health care facility, a primary care clinic, a provider of medical transportation services, or a hospital-based physician, only if these providers have made a good faith effort to obtain a recipient's beneficiary identification card number. *It would, however, terminate this exemption when the department establishes an automated system whereby a provider can access a beneficiary identification card number for submitting reimbursement requests.*

AB 420

Author: Assemblymember Lois Wolk

Topic: California Special Supplemental Nutrition Program for Women, Infants, and Children: Gateway System

Status: Passed Assembly Health 4/09/07; Assembly Appropriations – Held under submission 5/31/07

Existing law requires the Managed Risk Medical Insurance Board and the State Department of Health Services, in collaboration with California Special Supplemental Food Program for Women, Infants, and Children (WIC) program offices and other designated entities, to design, disseminate, and implement policies and procedures for an automated enrollment gateway system in the Medi-Cal and Healthy Families Program. This gateway system is to obtain presumptive eligibility for, and to facilitate application for enrollment into, these health care programs for children applying to the WIC program. This bill would require all WIC local agencies that serve large numbers of participants and a high proportion of uninsured participants, to use the WIC gateway system only to the extent funding is available, and would permit all other local WIC agencies to use the WIC gateway system at their option.

AB 606

Author: Assemblymember Cathleen Galgiani

Topic: Medi-Cal: Reimbursement Rates

Status: Assembly Health hearing set for 4/10/07 - Canceled at author's request

This bill would provide that commencing January 1, 2008, the Medi-Cal reimbursement levels for physician and dental services shall be increased by 5%.

AB 1312

Author: Assemblymember Bill Emmerson

Topic: Medi-Cal: Health Service Costs

Status: Passed Assembly Health 4/30/07; Assembly Appropriations hearing postponed by committee 5/31/07

This bill would require the Department of Health Care Services (DHCS) to increase reimbursement rates for physician services under the Medi-Cal program, beginning January 1, 2009, to a level that equals 80% of the Medicare reimbursement rate for those same services, except for those physician services currently reimbursed at or above 80% of the Medicare reimbursement rate. After January 1, 2009 DHCS, prior to making a rate adjustment, would be required to consider the ability of beneficiaries to access physician services by geography and specialty and to request data from the Office of Statewide Health Policy and Development (OSHPD) to allow DHCS to determine the extent of Medi-Cal physician shortages, if any, by geography and specialty.

AB 1324

Author: Assemblymember Hector de la Torre

Topic: Health Care Coverage: *Treatment Authorization (formerly Rescinded Coverage)*

Status: Chaptered into Law 10/14/07

Existing law provides that a health care services plan or a health insurer that authorizes a specific type of treatment by a health care provider shall not rescind or modify this authorization after the provider renders the health care service in good faith and pursuant to the authorization. This bill would additionally specify that a health care service plan or health insurer is precluded from rescinding or modifying its authorization for any reason, including its subsequent rescission, cancellation or modification of the contract or its

subsequent determination that it did not make an accurate eligibility determination. The legislature finds and declares that by adopting the amendments it does not intend to instruct a court as to whether or not the amendments are existing law.

AB 1328

Author: Assemblymember Mary Hayashi

Topic: Public Health (formerly Medi Cal: Accelerated Eligibility for Benefits)

Status: Passed Assembly 6/04/07; Passed Senate 9/06/07; To Enrollment 9/12/07; **Vetoed by Governor 10/14/07**

This bill originally addressed Medi Cal and Accelerated Enrollment for eligible children. After significant amendments were made, this bill now addresses eligibility requirements for Access for Infants and Mothers (AIM). Under existing law, one of the requirements for eligibility for health coverage under AIM is that a person be a resident of the state for a least 6 continuous months prior to application. This bill would delete this requirement. Language was deleted requiring implementation of eligibility requirements.

AB 1554

Author: Assemblymember Dave Jones

Topic: Health Care Coverage: Rate Approval

Status: Passed Assembly 6/07/07; Failed passage in Senate Health 7/11/07, Reconsideration granted

This bill would require health plans licensed by the Department of Managed Health Care (DMHC) and "health insurers" certificated by the California Department of Insurance (CDI), effective July 1, 2009, to annually submit for prior approval to the respective regulator any increase in the amount of the premium, copayment, coinsurance obligation, deductible, and other charges under a health care service plan or disability insurance policy charged to a subscriber or insured, as specified and imposes on DMHC and CDI specific rate review criteria, timelines and hearing requirements. The bill would require each department to notify the public of a rate application and would deem the application approved within 60 days of the date of that notice unless certain conditions exist and the department holds a hearing on the application.

AB 1642

Author: Assemblymember Loni Hancock

Topic: Medi-Cal: Noncontract Hospitals

Status: **Chaptered into Law 10/10/07**

This bill would permit a noncontract hospital in a closed health facility planning area to receive a Medi-Cal reimbursement when the noncontract hospital is a facility location of a nonprofit hospital which is an affiliate of a nonprofit health care service plan, the facility location is approved in accordance with the standards of the California Children's Services (CCS) program, the hospital is providing services medically necessary for the treatment of the CCS-eligible condition of a CCS-eligible patient who is a member of the health care service plan for all other health care services not related to that condition, and the services for the treatment of that condition are authorized by the CCS program. This bill would declare that it is to take effect immediately as an urgency statute.

SB 137

Author: Senator Tom Torlakson

Topic: Children's Health, Medical Treatment

Status: Passed Senate 6/04/07; Passed Assembly 9/11/07; Enrolled and sent to Governor 9/19/07; **Vetoed by governor and sent to Senate unfinished business 10/10/07**

Existing law limits eligibility for treatment services under the California Children's Services Program to persons in families with an annual adjusted gross income of \$40,000 or less. This bill would change that eligibility limitation to include persons in a family with an annual or equivalent monthly income equal to or less than \$40,000 or that meets the income eligibility requirements for the Health Families Programs. Existing law requires the state to reimburse counties for 50% of the amount required to meet state administrative standards for that portion of the county caseload that is ineligible for MediCal. This bill would also require the state to reimburse for 100% for children in families with an adjusted gross income that

exceeds 300% of the federal poverty level for a family of two. *This bill would incorporate additional changes proposed by SB32 and AB1, to be operative only under circumstances specified in the bill.*

SB 197

Author: Senator Denise Moreno Ducheny
Topic: Child Care: Eligibility: Termination of Services
Status: Passed Senate 5/17/07; Passed Assembly Human Services 6/12/07; Placed in Assembly Appropriations suspense file 7/18/07 – 2nd hearing postponed by committee 8/30/07; To Committee on Rules 9/11/07

This bill would allow a foster child who meets specified criteria and whose services would otherwise be terminated because he or she has a new foster care placement to *retain his or her child development services voucher, certificate or slot services* if the contractor is able to verify the ongoing need for services and the child remains with the same child care provider or transfers to another child care provider within the same service area of the child development program.

SB 253

Author: Senator Sam Aanestad
Topic: Health Care
Status: Senate; 1st year bill; No committee action taken

This bill relates to existing law that states the intent of the Legislature to provide basic health care and related remedial or preventive services to individuals qualifying under the Medi-Cal program.

SB 893

Author: Senator Dave Cox
Topic: California Children and Families Program: Funding
Status: Senate Health – Failed passage on 4/25/07, Reconsideration Granted

This bill would change how specified percentages of moneys allocated and appropriated from Proposition 10 can be spent for various subjects relating to, and furthering the goals and purposes of, the act. This bill would eliminate percentages for allocations to various accounts and would instead provide that those funds be allocated and appropriated to the commission to provide health care services to children consistent with the purposes of the act.

Child Health

AB 81

Author: Assemblymember Alberto Torrico
Topic: Child Protection: Safe Surrender
Status: Passed Assembly 6/06/07; Passed Senate 9/06/07; Enrolled and sent to Governor 9/21/07; **Vetoed by Governor 10/13/07**

Existing law designates certain locations as safe-surrender sites for the safe surrender of newborn children who are 72 hours of age or younger. This bill would expand the scope of those provisions to apply to children who are *7 days old or younger (amended from 30, then 21 days)*. The bill would also permit a local fire agency, upon the approval of the appropriate local governing body of the agency, to designate a safe-surrender site. *Language was deleted requiring safe-surrender site personnel to provide to the parent or other individual with information regarding alternative options to surrender. The bill would also require, to the extent resources are available, as specified, the State Department of Social Services to conduct a statewide awareness campaign publicizing the existence of the program and to establish a toll-free telephone number for the purpose of providing education and assistance to the public regarding the program.* The bill would specify certain circumstances in which a safe-surrender site and its personnel have no liability for a surrendered child. *This bill was amended to eliminate the \$5,000,000 appropriation monies.*

AB 273

Author: Assemblymember Dave Jones

Topic: Public Health: Foster Children
Status: Passed Assembly 6/05/07; Passed Senate Health 6/21/07; Passed Senate Human Services 6/21/07; Senate Appropriations – held under submission 8/30/07

This bill would amend existing law that provides for the Child Health and Disability Prevention program to require prescribed health and dental assessments be provided to children under the supervision of the juvenile court. This bill would further require that those assessments be included in the summary of the child's health and education records, and an appropriate referral be made for the child who is identified as having suspected chronic and acute health care needs. It also would require the extension of Medi-Cal benefits for specified foster children.

AB 673

Author: Assemblymember Mary Hayashi
Topic: Child Abuse or Neglect: Mandated Reports
Status: Chaptered into Law 10/10/07

For the purposes of provisions of existing law, the Child Abuse and Neglect Reporting Act, the terms "child abuse or neglect in out-of-home care" and "child abuse or neglect" is defined as including physical injury inflicted by other than accidental means. This bill would amend the terms "child abuse or neglect in out-of-home care" and "child abuse or neglect" to include death inflicted by other than accidental means. Existing law also provides that any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect. This bill would specify that these provisions apply to a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

AB 755

Author: Assemblymember Sally J. Lieber
Topic: Corporal Punishment
Status: Passed Assembly Public Safety 4/23/07; Assembly Appropriations – Held under submission 5/31/07

Existing law makes it a crime for any person, under specified circumstances, to willfully cause or permit a child to suffer, or inflict on a child unjustifiable physical pain or mental suffering. This bill would authorize the finder of fact to consider the use of certain specified types of discipline to be considered unjustifiable per se: use of an instrument, throwing, kicking, burning, or cutting a child, striking a child with a closed fist, striking a child under the age of three on the face or head, vigorous shaking of a child under the age of three, interference with a child's breathing and the brandishing of a deadly weapon. The discretion of courts is expanded by adding non-violent parenting education classes as a sentencing option for those convicted.

AB 1118

Author: Assemblymember Dave Jones
Topic: Childhood Poverty
Status: Passed Assembly Human Services 4/11/07; Assembly Appropriations – Held under submission 5/31/07

This bill would establish the California Child Poverty Council, an advisory body that would be responsible for developing a comprehensive plan to reduce child poverty in California by 50% by January 1, 2017, and eliminate it by January 1, 2027. The bill would provide for the composition of the council, including as chair, the Secretary of California Health and Human Services. This would bill would also require the council to monitor and report at least annually to the Governor, the Legislature, and the public, the extent to which the state is meeting the numerical targets for reducing child poverty.

ACR 34

Author: Assemblymember Alan Nakanishi
Topic: Shaken Baby Syndrome Awareness Week
Status: Chaptered into Law 4/23/07

This measure recognizes April 15 to April 21, 2007 as "Shaken Baby Syndrome Awareness Week."

SCR 8

Author: Senator James Battin
Topic: Child Abuse Prevention Month
Status: Chaptered into Law 4/30/07

This measure acknowledges the month of April 2007 as Child Abuse Prevention Month, and encourages the people of the State of California to work together to support youth-serving child abuse prevention activities in their communities and schools.

SB 468

Author: Senator Alex Padilla
Topic: Shaken Baby Syndrome
Status: Passed Senate 6/6/07; Passed Assembly Human Services and referred to Assembly Appropriations – held in committee under submission 8/30/07

This bill would revise existing law's legislative findings and declarations to state that programs focusing on providing information on shaken baby syndrome by educating adults about the dangers of shaking a child have been effective in reducing the number of deaths from shaken baby syndrome. Existing law requires that specified information and instructional materials be provided free of charge by each health facility to parents or guardians of each newborn, upon discharge from the health facility, and requires the State Department of Social Services to provide the information and instructional materials free of charge to child care providers upon licensure and at the time of a site visit. This bill would revise those provisions to remove "instructional materials". The bill would further require the department, no later than July 1, 2009, to establish the voluntary Shaken Baby Syndrome Education Pilot Program, to provide public education on shaken baby syndrome to participants in eligible counties that elect to participate in up to 10 counties. *This bill would provide that its activities would be funded exclusively with funds allocated to the department from the State Children's Trust Fund.*

Environmental Exposure

AB 1108

Author: Assemblymember Fiona Ma
Topic: Children's Products: Phthalates
Status: Chaptered into Law 10/14/07

This bill would, commencing January 1, 2009, prohibit the manufacture, sale, or distribution in commerce of certain toys and child care articles, as defined, if those products contain types of phthalates in concentrations exceeding 1/10 of 1%. This bill would also require manufacturers to use the least toxic alternative when replacing phthalates in their products and would prohibit manufacturers from replacing phthalates with certain carcinogens and reproductive toxicants.

SB 775

Author: Senator Mark Ridley-Thomas
Topic: Childhood Lead Poisoning
Status: Passed Senate 06/07/07; Assembly Health hearing set for 7/03/07 - Canceled at author's request

The Childhood Lead Poisoning Prevention Act of 1991 establishes a Childhood Lead Poisoning Prevention program within the State Department of Health Services. Under the program, a laboratory that performs a blood lead analysis on a specimen of human blood drawn in the state is required to report prescribed information to the department on every person tested. This bill would revise the information to be reported by the laboratory, as specified. The bill would also require the department to distribute to all health care providers that administer perinatal care services information on lead poisoning and would require providers to give this information to pregnant women. Additionally, this bill would, on and after July 1, 2008, prohibit the governing authority of a school or other institution from unconditionally admitting any person as a pupil

of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless the pupil has been assessed for risk of exposure to lead. The bill would require a licensed health care provider to conduct the assessment by presenting to the child's parent, guardian, or caretaker relative specified questions adopted by the department in order to determine whether the child has been exposed to lead.

Health Education

AB 629

Author: Assemblymember Julia Brownley
Topic: Sex Education Programs: Requirements
Status: Chaptered into Law 10/13/07

This bill would enact the Sexual Health Education Accountability Act, which would require any program that provides education to prevent adolescent or unintended pregnancy or to prevent sexually transmitted infections and that is conducted, operated, or administered by the state or any state agency, or is funded directly or indirectly by the state, or receives any financial assistance from state funds or funds administered by the state to meet specified requirements, including: 1) All information shall be medically accurate, current, and objective; 2) Individuals providing instruction or information shall know and use the most current scientific data on human sexuality, human development, pregnancy, and sexually transmitted diseases; 3) The program content shall be age appropriate for its targeted population; 4) The program shall be culturally and linguistically appropriate for its targeted populations; 5) The program shall not teach or promote religious doctrine; 6) The program shall not reflect or promote bias against any person on the basis of disability, gender, nationality, race or ethnicity, religion, or sexual orientation, as defined in Section 422.56 of the Penal Code; 7) The program shall provide information about the effectiveness and safety of at least one or more drug or device approved by the federal Food and Drug Administration for preventing pregnancy and for reducing the risk of contracting sexually transmitted infections. *These provisions apply only to grants that are funded pursuant to contracts entered into or amended on or after January 1, 2008.*

AB 708

Author: Assemblymember Bob Huff
Topic: Reproductive Health: Abstinence Education
Status: Assembly Health – Failed Passage on 4/17/07, Reconsideration Granted

This bill would require the State Department of Public Health to develop and implement a program of abstinence education in a manner that would maximize federal financial participation, and would specify the purpose of the program and the subjects to be included in the abstinence education program. The bill would permit the department to receive cash or in-kind donations in connection to this program, as defined.

AB 1146

Author: Assemblymember Kevin Jeffries
Topic: Pupil Instruction: Sexual Education: Age-Appropriateness
Status: Assembly; 1st year bill; No committee action taken

This bill would state the intent of the Legislature to enact legislation that would more clearly define age-appropriateness in the context of the sexual issues and education provided in the public schools.

AB 1511

Author: Assemblymember Mark Leno
Topic: Stronger Families for California Act
Status: Passed Assembly 6/05/07; Passed Senate Health and Re-referred to Senate Appropriations –held under submission 8/30/07

This bill would establish the Stronger Families for California Act, a continuing information and public education program, within the State Department of Public Health, with the primary goal of decreasing teenage pregnancies and sexually transmitted diseases through a continuing education and public

education program that equips parenting adults with the communication skills necessary to talk with their children about sex, sexual health, and making well-informed decisions to protect their health and safety.

SB 126

Author: Senator Tom Harman

Topic: Child Abuse and Neglect

Status: Senate Human Services – Withdrawn from committee at author's request 5/01/07

Existing law defines specified local agency employees, such as teachers, social workers, and instructional aides, as mandated reporters of suspected child abuse. Employers of such mandated reporters are required to provide specified training. This bill would, in addition, require employers to provide their employees who are mandated reporters with training resources on how to recognize specified types of crimes against children.

Infectious Diseases

AB 272

Author: Assemblymember Bonnie Garcia

Topic: HIV Tests

Status: Assembly; 1st year bill; No committee action taken

This bill would require that any woman seeking an annual gynecological examination or family planning appointment be provided with information on HIV and AIDS and requires that the woman be offered the option of being tested onsite, if available, or provided referral information to other testing locations. If the woman chooses to be tested for HIV, the bill would require the physician or other health care professional attending the woman at the time results are received to ensure that she receives information and counseling to explain results and health implications, including any follow-up care that is indicated.

AB 682

Author: Assemblymember Patty Berg

Topic: HIV/AIDS Testing

Status: Chaptered into Law 10/12/07

The bill would revise the written and informed consent standards associated with HIV testing. Specifically, this bill would require, prior to ordering an HIV test, the medical care provider to inform the patient that the test is planned, provide information about the test, inform the patient regarding specified treatment options and further testing needed, and advise the patient that he or she has the right to decline the test. The bill would require the medical provider, if a patient declines the test, to note that fact in the patient's medical file. Additionally, this bill would revise the prenatal HIV testing standard from providing a pregnant woman the right to "accept or refuse" the test, to instead, "decline" the test. This bill would repeal requirements that the acceptance of testing for HIV be documented on a specified form, signed by the patient, and maintained in the medical record. This bill would clarify a requirement that the prenatal care provider offer, at a minimum in-person, oral or written HIV information and counseling to every pregnant patient. This bill states that health care providers are strongly encouraged to seek consultation with HIV specialists who provide care for pregnant and postpartum HIV-positive women. This bill was amended to include language prohibiting a medical care provider, licensed physician, surgeon or other person engaged in prenatal care to unlawfully disclose an individual's HIV status. Furthermore, this bill would prohibit a person from administering a test for HIV infection unless the person being tested or his or her parent, guardian, conservator, or other specified person, signs a written statement documenting the person's informed consent to the test. The bill would provide an exception to that requirement for tests to detect HIV on a cadaver when an autopsy is performed, or when blood is tested as part of a scientific investigation conducted by a medical researcher operating under the approval of an institutional review board or by the department, in accordance with a prescribed protocol.

Maternal and Child Health Miscellaneous

AB 13

Author: Assemblymembers Julia Brownley and Mark Leno (*formerly John Laird*)
Topic: Hospitals: Staffing (*formerly Maternal Dental Health*)
Status: Passed Assembly 6/7/07; Passed Senate Appropriations 8/30/07; Full Senate hearing – placed in inactive file on motion of Senator Keuhl 9/11/07

This bill was introduced by John Laird as relating to Maternal Dental Health and has since undergone significant substantive changes. It now relates to the establishment of plans and procedures for hospital staffing, excluding nursing personnel.

AB 34

Author: Assemblymember Anthony J. Portantino
Topic: Umbilical Cord Blood Collection Program
Status: Chaptered into Law 10/11/07
*Related bills: AB 40 and SB 962

This bill is designed to create an inventory of genetically diverse umbilical cord blood to increase the likelihood of a patient obtaining a suitable donor match. *This bill would require the department to establish, by January 1, 2010, and until January 1, 2015, the Umbilical Cord Blood Collection Program for the purpose of increasing the amount of umbilical cord blood that is donated in the state and that will be added to the national inventory. The bill would authorize the department, to the extent private or public funds are identified for this purpose, to contract with blood banks that are licensed or accredited to provide umbilical cord blood banking storage services, for the purpose of collecting and storing umbilical cord blood.* The bill would require that any funds available for purposes of the program be deposited into the Umbilical Cord Blood Collection Program Fund, which this bill would create. The bill would also require that information collected pursuant to the program be confidential, and be used solely for the purposes of the program, as prescribed. The bill would provide that its provisions shall only become operative if SB 962 of the 2007-2008 Regular Session is enacted and becomes operative.

AB 40

Author: Assemblymember Anthony J. Portantino
Topic: Umbilical Cord Blood Banking, Advisory Council
Status: Assembly Health hearing set for 3/6/07 – Canceled at author's request
*Related bills: AB 34 and SB 962

This bill would require the State Department of Public Health to establish an advisory council on umbilical cord blood donation to make recommendations to the Legislature about how best to achieve specified objectives as set forth in the bill, including increasing the amount of umbilical cord blood donated for public use. The bill would require that council members be appointed by the Governor, the President pro Tempore of the Senate, and the Speaker of the Assembly.

AB 482

Author: Assemblymember Bonnie Garcia
Topic: Stem Cell Banking
Status: Assembly - No committee action taken

Existing law prohibits human oocytes or embryos from being acquired, sold, offered for sale, received, or otherwise transferred for valuable consideration for medical research or development of medical therapies. This bill would declare the intent of the Legislature to subsequently amend this bill to add provisions within the Health and Safety Code relating to stem cell banking.

SB 102

Author: Senator Carole Migden
Topic: Blood Transfusions
Status: Chaptered into Law 7/20/07

Existing law requires, whenever there is a reasonable possibility, as determined by a physician, that a blood transfusion may be necessary as a result of a medical procedure, that the physician, by means of a standardized written summary that is published by the Medical Board of California, inform the patient of the positive and negative aspects of receiving autologous blood and directed and nondirected homologous blood from volunteers. This bill also includes a doctor of podiatric medicine within the scope of these requirements. It requires the information to be given by the physician or doctor of podiatric medicine, directly or through a nurse practitioner, certified nurse midwife, or physician assistant, authorized to order a blood transfusion.

SB 962

Author: Senator Carole Migden
Topic: Umbilical Cord Blood Biomedical Resources Program
Status: Chaptered into Law 10/11/07
Related bills: AB 34 and AB 40

Existing law, the Hereditary Disorders Act, requires the State Department of Health Services to establish regulations and standards for a hereditary disorders program, including with respect to prenatal testing programs for newborns. Pursuant to this act, existing regulations require clinicians to provide all pregnant women, at the first prenatal visit, with information about the use and availability of prenatal screening for birth defects of the fetus. This bill would also *authorize (amended from "require")* a primary prenatal care provider to provide this information to a woman who is known to be pregnant during the first prenatal visit. This bill would establish a state umbilical cord blood biomedical resources program to collect, process, and store umbilical cord blood stem cells for the purposes of transplantation and research, and would require the department to establish fees relating to these purposes to cover the costs of administering the program. *The bill would require the fees to be deposited into the Birth Defect Monitoring Program Fund.* This bill would require the Committee for the Protection of Human Subjects (CPHS) to determine if certain criteria relating to the security and confidentiality of donor's personal information are met before umbilical cord blood collected under the program may be used for research activities. This bill would provide that these provisions shall only become operative if AB 34 is enacted and becomes operative on or before January 1, 2008.

Mental Health

AB 423

Author: Assemblymember Jim Beall
Topic: Healthcare Coverage: Mental Health Services
Status: Passed Assembly 6/04/07; Passed Senate 9/06/07; To enrollment 9/07/07; **Vetoed by Governor 10/14/07**

This mental health parity expansion bill would require a health plan and health insurer to provide for the diagnosis and medically necessary treatment of a mental illness of a person of any age, including a child, under the same terms and conditions applied to other medical conditions, including but not limited to: a) maximum lifetime benefits; b) co-payments; and c) individual and family deductibles. The bill would define mental illness for this purpose as a mental disorder defined in the Diagnostic and Statistical Manual IV. The mental health parity provisions in current law define severe mental illness as one of 9 specific conditions.

SB 57

Author: Senator Dennis Hollingsworth
Topic: Personal Income Taxes
Status: Senate - No committee action taken

This bill relates to the Mental Health Services Act, which was enacted by initiative statute, and established a state personal income tax surcharge of 1% on taxpayers with annual taxable incomes of more than \$1 million and uses the funds derived therefrom for expanding county mental health programs. This bill repeals the 1% surcharge and associated provisions specifying the allocation of those revenues. This bill would provide that these repeal provisions would become operative only when submitted to, and approved by, the voters.

Nursing and Physician Workforce

AB 611

Author: Assemblymember Roger Niello (Formerly Assemblymember Alan Nakanishi)

Topic: Flood control: backup water supply conduit (Formerly Physician Assistants: Educational Loan Program)

Status: Passed Assembly 5/7/07, Senate second reading 7/20/07; to Committee on Rules 9/10/07

This bill was introduced by Assemblymember Nakanishi related to an educational loan program for physician assistants. It has since undergone significant substantive changes and is now authored by Assemblymember Niello and relates to installation of backup water supply conduits for flood control.

AB 1226

Author: Assemblymember Mary Hayashi

Topic: Medi-Cal: Provider Enrollment

Status: Chaptered into Law 10/14/07

This bill would provide, as of July 1, 2008, that a physician enrolled and in good standing in the Medi-Cal program and who is changing locations within the same county is eligible to continue enrollment at the new location by filing a change of location form, to be developed by the department, in lieu of submitting a complete application package. The bill would require the department to provide notice upon receipt of a form under this provision. The bill would also provide, as of July 1, 2008, for the expedited enrollment in the Medi-Cal program of any physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who meets specified conditions and submits a short form application to be developed by the department. The bill would grant an applicant under these circumstances provisional provider status for 12 months, after which the provider would receive permanent provider status.

AB 1436

Author: Assemblymember Edward P. Hernandez

Topic: Nurse Practitioners: Scope of Practice

Status: Re-referred to Assembly Committee on Business and Professions on 5/31/07 – No action taken

Under the Nursing Practice Act, the practice of nursing is defined, in part, as providing direct and indirect patient care service ordered by specified healing arts practitioners, including dispensing of drugs or devices upon their order in a clinic setting. This bill would specify that the practice of nursing includes those actions taken pursuant to an order by a nurse practitioner or a nurse-midwife. The bill would provide that a nurse practitioner is authorized to perform comprehensive health care services for which he or she is educationally prepared and competent to perform and to admit and discharge patients from health facilities in collaboration, as defined, with specified healing arts practitioners. It would require a certified nurse practitioner to consult or refer a patient to another provider if a situation or condition occurs beyond the nurse practitioner's knowledge and experience. The bill would also revise the educational requirements for certification as a nurse practitioner and would require a nurse practitioner to be certified by a nationally recognized certifying body approved by the board. *The language regarding supervision guidelines for physician assistants has been deleted from this bill.*

AB 1643

Author: Assemblymember Roger Niello

Topic: Nurse Practitioners

Status: Assembly Business and Professions hearing postponed by committee 4/24/07

Existing law does not prohibit a nurse practitioner from furnishing or ordering drugs or devices under conditions that require physician and surgeon supervision. For purposes of these conditions, a physician and surgeon is prohibited from supervising more than four nurse practitioners at one time. The bill would repeal this prohibition.

SB 478

Author: Senator Dennis Hollingsworth

Topic: Physicians and Surgeons: Loan Repayment

Status: Senate Rules – No committee action taken

This bill would express the Legislature's intent to establish a loan repayment program for educational expenses incurred by a physician and surgeon who practices in an area deficient in physician services or who treats patients who are without health care coverage.

Nutrition

AB 86

Author: Assemblymember Ted W. Lieu

Topic: School Food Nutrition: Trans Fat

Status: Assembly Education hearing postponed by committee 3/14/07

This bill relates to snack and entree food items sold to pupils at certain elementary, middle, and high schools. It would prohibit such food items from containing partially hydrogenated or hydrogenated vegetable oils, except to the extent that these oils are naturally occurring in the food item.

AB 90

Author: Assemblymember Ted W. Lieu

Topic: Pupil Nutrition: Trans Fats

Status: Passed Assembly Education 3/15/07; Assembly Appropriations – Held under submission 5/31/07

This bill, commencing on July 1, 2009, would prohibit a school or school district from serving or selling to pupils, during school hours, any food containing artificial trans fat. It would also prohibit the use of artificial trans fat in the preparation of a food item served or sold to pupils.

AB 97

Author: Assemblymember Tony Mendoza

Topic: Trans fat

Status: Amended in Senate 8/31/07; Failed Assembly 9/12/07 and Reconsideration Granted.

This bill would have barred restaurants from using hydrogenated oils linked to heart disease, starting in 2010.

AB 433

Author: Assemblymember Jim Beall

Topic: Food Stamp Program: Categorical Eligibility

Status: Passed Assembly 6/05/07; Passed Senate Human Services and Referred to Senate Appropriations 6/27/07; To inactive file on motion of Senator Steinberg 9/12/07

This bill would require the State Department of Social Services to propose a new name for the Food Stamp Program in California by *July 1, 2008* and to convene with a diverse group of stakeholders to develop the new name. The bill would require the new name to reflect one or more designated concepts relating to the operation and significance of the program. 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 cash assistance for indigent persons. This bill would require the department to establish a similar categorical eligibility program for recipients of the benefits under the Medi-Cal program, when those individuals will be receiving or are eligible to receive benefits or services funded under the federal

Temporary Assistance for Needs Families (TANF) block grant. The bill would require the department to establish the program by July 1, 2008 and to fully implement it as to new food applicants by January 1, 2009. Because counties administer the Food Stamp Program, this bill would increase county duties by potentially extending the period of eligibility for these programs for certain recipients, and would thereby impose a state-mandated local program.

AB 898

Author: Assemblymember Lori Saldana

Topic: Nutrition Education

Status: Passed Assembly Health 4/17/07; Assembly Appropriations hearing set for 5/31/07 – Canceled at author's request

This bill would require, until January 1, 2015, the State Department of Public Health to establish and administer a pilot grant program to award 3-year grants to at least three, but not more than five, school health centers, that utilize the "Promotores de Salud" model, as defined, to administer a specified nutrition education and diabetes and obesity prevention program.

SB 22

Author: Senator Carole Migden

Topic: Breastfeeding

Status: Chaptered into Law 10/11/07

This bill would provide that the State Department of Public Health shall *recommend* (amended from "require") that general acute care hospitals and special hospitals that provide maternity care, and that have exclusive patient breastfeeding rates in the lowest 25%, as described, offer a minimum of eight hours of training to appropriate administrative and supervisory staff on hospital policies and recommendations that promote exclusive breastfeeding, as prescribed. The bill would require the department to notify the hospital director or other person in charge of the hospital that the training is available, upon request, to the hospital. This bill would also require the department not later than July 1, 2008, *to the extent that specified federal funds and private grants or donations are made available for this purpose*, to begin expansion of the breastfeeding peer counseling program at local agency WIC sites. It would further require the department to streamline and simplify existing Medi-Cal program procedures to improve access to lactation supports and breast pumps among Medi-Cal recipients. *The appropriation of \$2,250,000 from the General Fund to the State Department of Public Health was pulled from the bill.*

SB 48

Author: Senator Elaine Alquist

Topic: Community Development: Healthy Food Choices

Status: Chaptered into Law 10/13/07

Existing law requires the State Department of Public Health to develop a "Healthy Food Purchase" pilot program and to establish and implement a "5 A Day--For Better Health" program to promote consumption of fruit and vegetables. This bill would require the State Department of Public Health, until January 1, 2015, in partnership with other programs and services within the Business, Transportation and Housing Agency, and to the extent funds are appropriated, to establish the "Healthy Food Retail Innovations Fund" to provide residents of underserved communities with retail food markets that would offer high quality fruit, vegetables, and other healthy foods and encourage retail innovation. The bill would also require the department to provide grants and loans on a competitive basis for land acquisition, business plan development, feasibility studies, refrigeration units, outside technical assistance, and other startup costs.

SB 490

Author: Senator Elaine Alquist

Topic: Pupil Nutrition: Trans Fats

Status: Passed Senate 6/07/07; Passed Assembly with amendments 9/04/07; Passed Senate 9/5/07; Enrolled and sent to Governor 9/11/07

This bill would prohibit, commencing on July 1, 2009, a school or school district, through a vending machine or school food service establishment during school hours, and up to 1/2 hour before and after school hours,

from making available to pupils in *kindergarten and grades 1 to 12, inclusive (amended to expand grade levels)* a food containing artificial trans fat and would prohibit the use of artificial trans fat in the preparation of a food item served to those pupils.

Public Health

AB 16

Author: *Assemblymember Edward P. Hernandez*

Topic: *Pupil Immunizations*

Status: **Passed Assembly 6/07/07; Passed Senate Education 6/27/07; Passed Senate Health 7/12/07; Passed Senate Appropriations 8/31/07; Referred to Rules Committee 9/04/07**
***Related Bill: SB 533**

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases. This bill would, commencing July 1, 2009, revise the list of institutions that are subject to the prohibition, and would require the State Public Health Officer to create a list of diseases for which immunization shall be required prior to entry into those institutions. The bill would also, commencing July 1, 2009, require the State Department of Public Health to annually publish on its Web site the list of immunizations that are required under these provisions, and to adopt regulations as necessary to administer the immunization requirements by July 1, 2010. Additionally, this bill would, commencing July 1, 2009, require the State Department of Education, in coordination with the State Department of Public Health, to make available to school districts related informational materials. Existing law requires at the beginning of the first semester or quarter, the governing board of each school district to notify parents or guardians of minor pupils of specified rights and responsibilities of the parent or guardian. The bill would, commencing July 1, 2009, require the notice to also advise the parent or guardian of the immunization requirements developed by the State Public Health Officer pursuant to the above-described provisions, as specified.

AB 28

Author: **Assemblymember Jared Huffman**

Topic: **Personal Income Taxes: Contributions: California Breast Cancer Research Fund**

Status: **Chaptered into Law 10/11/07**

This bill would extend the operational provisions of the Personal Income Tax Law which allows taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be contributed to the State Breast Cancer Research Fund. This fund would remain on tax returns until January 1, 2013.

AB 158

Author: **Assemblymember Fiona Ma**

Topic: **Public Health**

Status: **Passed Assembly Health 4/30/07; Assembly Appropriations hearing postponed by committee 5/31/07**

This bill would require the State Department of Public Health to establish a hepatitis B *and C (added to bill)* prevention and management pilot program within its Office of Multicultural Health to provide matching grants to public and not-for-profit organizations in the Los Angeles area and the San Francisco Bay area for the purposes of providing culturally and language appropriate public awareness and other activities relating to the prevention and management of hepatitis B. This bill would also establish the Hepatitis B Prevention and Management Pilot Program Fund, the moneys in which would be used by the department exclusively for purposes of this bill, and would appropriate \$4,000,000 from the General Fund to the department for deposit into the fund. The bill would require the department to report to the Legislature by *January 1, 2011*.

AB 834**Author:** Assemblymember Mary Hayashi**Topic:** Dental Disease Prevention Programs**Status:** Passed Assembly 6/05/07; Passed Senate with amendments 9/05/07; Passed Assembly with amendments 9/05/07; Passed Senate 9/07/07; To enrollment 9/07/07; **Vetoed by Governor 10/10/07**

Existing law authorizes local sponsors, as defined, to offer community dental disease prevention programs approved by the State Department of Health Services to school children in preschool through 6th grade, and in classes for individuals with exceptional needs. This bill would require the educational programs to be age appropriate and focused on development of personal practices by children in preschool through 6th grade and parents, and would require the preventive services to be age appropriate and to include dietary fluoride supplements. The bill would also require acts performed or services provided that constitute the practice of dentistry to be performed by a licensed dentist or a licensed or registered dental health professional. This bill would revise existing law to require a local health officer that seeks to participate in the community dental disease prevention program to submit a proposal for the program to the department every 3 years annually. *Language was removed requiring the department to establish a state dental disease prevention program advisory committee.* The bill would also, commencing July 1, 2008, permit increases in reimbursement rates to local sponsors. *This bill specifies that the CDDPP is exempt from the full regulatory process for the purpose of establishing and periodically revisiting program standards.*

AB 1230**Author:** Assemblymember John Laird**Topic:** Charter Schools: Public Health Screenings**Status:** Passed Assembly 6/06/07; Senate Education hearing set for 07/11/07 – Canceled at author's request

Existing law requires the governing board of a school district to provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district, subject to specified exceptions. The governing board of a school district also is required to provide a scoliosis screening to each female pupil in 7th grade and each male pupil in 8th grade, also subject to specified exceptions. Charter schools are generally exempt from state statutes and regulations governing the operation of public elementary and secondary schools, except for certain specified statutory provisions. This bill would require charter schools to provide the pupil sight and hearing test and the scoliosis screening as described above. A charter school would be authorized to contract with a school district or county office of education to provide the test and screening.

AB 1472**Author:** Assemblymember Mark Leno**Topic:** Public Health: California Healthy Places Act of 2008**Status:** Passed Assembly 6/06/07; Passed Senate Health 07/17/07; Senate Appropriations – Held under submission 8/30/07

This bill would establish the California Healthy Places Act of 2008 which requires various state agencies and departments to collaboratively support childhood development, prevent injury, illness, and chronic disease, ensure environmental health, and reduce health disparities by providing knowledge, guidance, and resources for public health assessments of land use and transportation system planning. The bill would require the State Public Health Officer to form an interagency working group (IWG) by 7/01/08, to be comprised of one representative each from certain agencies and entities, including, among others, the Department of Food and Agriculture, the State Department of Public Health, the Office of Planning and Research, the Superintendent of Public Instruction, and the Department of Transportation, which would be required to identify, evaluate, and disseminate available evidence, information, programs, and best practices on environmental health, and establish environmental health goals, as provided. *The bill was amended to eliminate appropriating monies from the General Fund to fund this Act.*

AB 1605

Author: Assemblymember Sally J. Lieber
Topic: The State Department of Public Health: State Public Health Nurse
Status: Passed Assembly Health 4/23/07; Assembly Appropriations hearing set for 5/31/07 – Canceled at author's request

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, duties over licensing and certification of health facilities, and over maternal and child health. Existing law authorizes the appointment of the State Public Health Officer as the director of the department, and authorizes appointment of two chief deputies for the department. This bill would require the director to appoint one of the chief deputies as the State Public Health Nurse to act as a liaison to public health nursing agencies, in addition to other duties.

SB 7

Author: Senator Jenny Oropeza
Topic: Smoking in Vehicles with Minor Passengers
Status: Chaptered into Law 10/10/07

This bill would make it an infraction punishable by a fine not exceeding \$100 for a person to smoke a pipe, cigar, or cigarette in a motor vehicle, whether in motion or at rest, in which there is a minor. *Language was removed requiring the State Department of Public Health to conduct a public education program regarding the dangers of secondhand smoke in confined places.* This bill would prohibit a law enforcement officer from stopping a vehicle for the sole purpose of determining whether the driver is in violation of the provisions of the bill.

SB 164

Author: Senator Carole Migden
Topic: Prenatal Screening
Status: Passed Senate 5/29/07; Passed Assembly 9/12/07 with amendments; Senate – placed in inactive file at the request of Senator Migden 9/12/07

This bill would change the name of the Birth Defects Monitoring Program to the Birth Defects Monitoring and Biomedical Resources Program and require the State Department of Public Health to charge investigators, who are approved by the department to use pregnancy blood for research purposes, a fee for costs related to data linkage, storage, retrieval, processing, data entry, reinventory, and shipping of pregnancy blood or its components, and related data management. *This bill was amended to include language specific to the regulation of for-profit investigators.* The bill would require that the moneys collected from the prenatal fee increase and the usage and retrieval charge be deposited in the Birth Defects Monitoring and Biomedical Resources Program Fund, which the bill would create, and that would be continuously appropriated to support the activities of the program. The bill would additionally require that the program develop pregnancy blood collection and processing protocols, determine conditions and recommendations for the duration of pregnancy blood storage, establish exclusion criteria for blood specimens, and institute safe and secure methods for the disposal of specimens, as determined by the program. The bill would require the department to store the pregnancy blood for research purposes, as prescribed, and analyze the costs of pregnancy blood storage, and annual data linkage and management, and to adjust the fee accordingly. This bill would allow information to be released identifying the person from whom the pregnancy blood samples were obtained to Birth Defects Monitoring and Biomedical Resources Program contractors or to other department-approved entities. *This bill was amended to include language that requires certain confidentiality criteria to ensure a donor's personal information is not released.*

SB 533

Author: Senator Leland Yee
Topic: Health: Immunizations: Pneumococcus
Status: Passed Senate 6/06/07; Passed Assembly with amendments 9/11/07; Passed Senate 9/11/07; To enrollment 9/11/07; Vetoed by Governor and sent to Senate Unfinished Business 10/5/07

***Related Bill: AB 16**

Existing law states the intent of the Legislature to provide a means for the eventual achievement of total immunization against certain childhood diseases. This bill would add pneumococcus to that list. Existing law also prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases. This bill would, on and after July 1, 2008, add pneumococcus to the list of diseases, except for children who are 24 months of age and older *in which case the governing authority shall not be required to verify documentation*. The bill would, commencing July 1, 2010, revise the list of institutions that are subject to the prohibition, and would require the State Public Health Officer to create and maintain a list of immunizations and doses that shall be required prior to conditional and unconditional entry into the above-described institutions. The bill would, commencing July 1, 2010, also require the State Department of Public Health to annually publish and post on its website the list of immunizations that are required under these provisions, and to adopt regulations necessary to administer the immunization requirements by July 1, 2010.

Reproductive Health and Perinatal Care

AB 16

Author: Assemblymember Edward P. Hernandez (*formerly Sally Leiber*)

Topic: Pupil Immunizations (*formerly Pupil Immunizations: Human Papillomavirus Vaccine*)

The original language of this bill sought to prohibit the governing authority of a school or other institution from unconditionally admitting any female pupil to the 6th grade level of any of those institutions unless the pupil has received the human papillomavirus (HPV) vaccine. It no longer references the HPV vaccine specifically, and instead would require the State Public Health Officer to create a list of diseases for which immunization shall be required prior to entry into those institutions. A detailed description can now be found under Public Health.

AB 741

Author: Assemblymember Karen Bass

Topic: Infant Mortality: Interpregnancy Care

Status: Passed Assembly 6/06/07; Passed Senate with amendments 9/10/07; Passed Assembly 9/11/07; To enrollment 9/11/07; **Vetoed by Governor 10/13/07**

This bill would require the State Department of Public Health to develop a 3 year (*time amended from 5 years*) demonstration program that would offer interpregnancy care, as defined, to women who enroll in the program and meet specified criteria, in an effort to improve the child spacing and adverse pregnancy outcomes for women who have had a previous very low birth weight delivery, as specified. The program would commence March 1, 2008, would operate in *at least three community-based organizations or service providers (amended from two hospitals)*, and would provide specified services to eligible participants, including primary health care and social services. This bill would also require the community-based organizations or service providers to contract with an external evaluator to evaluate the effectiveness of the program using specified criteria, to submit the evaluation to the department on or before *September 1, 2011 (amended from 2013)*, and would require the department, by *March 1, 2012 (amended from 2014)*, to submit a report on the program's progress to the Legislature, as specified.

AB 1009

Author: Assemblymember John J. Benoit

Topic: Fetal Pain Prevention

Status: Assembly Health hearing set for 4/10/07 – Canceled at author's request

This bill would enact the Unborn Child Pain Awareness Act of 2008, to require, with an exemption for medical emergency, the physician performing an abortion to offer to the pregnant woman information and counseling on fetal pain. This bill would require the State Department of Public Health 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 violations.

AB 1429

Author: Assemblymember Noreen Evans

Topic: Human Papillomavirus Vaccination

Status: Passed Assembly 5/29/07; Passed Senate with amendments 9/4/07; Passed Assembly 9/5/07; Enrolled and sent to Governor 9/10/07; **Vetoed by Governor 10/13/07**

Under existing law, a plan and a health insurer that include coverage for the treatment or surgery of cervical cancer are deemed to provide coverage, upon the referral of a patient's physician and surgeon, a nurse practitioner, or a certified nurse midwife providing care to the patient and operating within the scope of practice permitted for the licensee, for an annual cervical cancer screening test. This bill would instead require the referral to be from the licensed health care practitioner who is providing care to the patient and operating within the scope of practice permitted for the licensee. This bill would expand the coverage to include a human papillomavirus vaccination, as specified.

AB 1541

Author: Assemblymember Pedro Nava

Topic: Medi-Cal: Family Planning Services

Status: Passed Assembly Health 4/30/07; Appropriations Suspense File – Held under submission 5/31/07

This bill would make legislative findings and declarations regarding family planning services in California. This bill would also require that all Medi-Cal programs that provide family planning services shall provide comprehensive clinical family planning services, as defined, subject to utilization control. This bill would prohibit a Medi-Cal managed care plan from restricting the choice of an enrollee regarding the provider from whom the enrollee may receive family planning services, so long as the provider is a Medi-Cal provider.

SB 443

Author: Carole Migden

Topic: HIV Positive Sperm Donation

Status: **Chaptered Into Law 9/11/07**

This bill allows partners of HIV-positive men to conceive as long as “sperm-washing” techniques are used to minimize the infection risk to mother and child. Existing law bans the transfer of bodily fluids from HIV+ donors.

Safety

AB 881

Author: Assemblymember Gene Mullin

Topic: Vehicles: Child Passengers: Restraint Systems

Status: Passed Assembly 5/07/07; Passed Senate with amendments 9/06/07; Passed Assembly 9/10/07; To enrollment 9/10/07; **Vetoed by Governor 10/10/07**

This bill would require a child who is under 8 years of age to be secured in a rear seat in an appropriate child passenger restraint system. It would provide an exception from this requirement for a child who is under 8 years of age, but who is 4 feet 9 inches tall or taller and who is properly restrained by a safety belt. The bill would also prohibit a parent or legal guardian or driver from transporting in a motor vehicle, a child or ward who is 8 years of age or older, but less than 16 years of age, without properly securing the child or ward in an appropriate child passenger restraint system or a safety belt. Additionally it would require, for transport upon a highway in a motor vehicle, that a parent or legal guardian properly secure his or her child or ward who is under one year of age or weighs less than 20 pounds in a rear-facing child passenger restraint system in a rear seat. The bill would impose a similar requirement on the driver of a motor vehicle, unless the parent or legal guardian of the child is also present in the vehicle and is not the driver. The bill would also require public and private hospitals, clinics or birthing centers to, at the time of discharge of a

child, provide and discuss information on the current law requiring child passenger restraint systems, safety belts, and transporting children in rear seats to the parents or to the person to whom the child is being released if the child is under eight years of age. The bill includes protective legal language for these institutions so they will not be held responsible for the failure of a parent or guardian to properly transport the child. The bill's provisions would become operative *June 30, 2008 (amended date)*.

AB 1416

Author: Assemblymember Sharon Runner

Topic: Child Endangerment: Driving under the Influence

Status: Assembly Public Safety – Failed passage 4/17/07, Reconsideration Granted

Existing law makes it a misdemeanor or a felony for a person to cause or permit a child to be placed in a situation where the child's person or health is endangered. This bill would make it a misdemeanor punishable by imprisonment in a county jail for not less than 90 days nor more than one year, or a felony punishable in state prison for 2, 4, or 6 years, for a person to operate a motor vehicle in a manner that is in violation of a driving under the influence offense with a child in that vehicle at the time of the violation.

SB 33

Author: Senator Joe Simitian

Topic: Teens and Cell Phones

Status: Chaptered Into Law 9/13/07

This bill, on and after July 1, 2008, prohibits a person under the age of 18 years from driving a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device, as defined. The prohibition would not apply to such a person using a wireless telephone or a mobile service device for emergency purposes.

SB 171

Author: Senator Don Perata

Topic: Hospitals: Lift Teams

Status: Passed Senate 6/04/07; Passed Assembly 9/06/07; Enrolled and sent to Governor 9/10/07; Vetoed by Governor 10/13/07

This bill would require, as of July 1, 2009, each general acute care hospital to establish a patient protection and health care worker back injury prevention plan. Each hospital would be required to conduct a needs assessment to identify patients needing lift teams, and lift, repositioning, or transfer devices. This bill would mandate that these hospitals use lift teams, and lift, repositioning, and transfer devices, and to train health care workers on the appropriate use of these devices. This bill would further provide that a health care worker who refuses to lift a patient could be disciplined only if the worker has been trained on appropriate patient and equipment lifting procedures and has appropriate and functional lift, repositioning, or transfer devices available to perform the requested action.

Vital Statistics

AB 1275

Author: Assemblymember Mark DeSaulnier

Topic: Domestic Violence, Child Abuse and Neglect, and Family Violence: Certified Copies of Vital Records: Fees

Status: Passed Assembly 5/29/07; Referred to Senate Local Government Committee 6/20/07

This bill would authorize a county board of supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, for the purpose of funding governmental oversight and coordination of the multiple agencies dealing with domestic violence, child abuse and neglect, and family violence prevention, early intervention and prosecution efforts in the county, up to a maximum increase of \$4. *This authorization would also apply to the City of Berkeley.*

SB 471

Author: Senator Bob Margett
Topic: Birth and Death Records: Certified Copies: Identification
Status: Senate Health – Failed passage 3/29/07; Reconsideration granted and re-referred to Senate Health on 4/10/07

Existing law provides that the State Registrar, local registrar, or county recorder may provide a certified copy of a birth or death record to an authorized person, as defined, who submits a statement sworn under penalty of perjury that the requester is an authorized person. This bill would, in addition, require any person who requests, in person, a certified copy of a birth or death record to provide the official with valid identification, as provided, unless that person is a parent or legal guardian and is requesting a certified copy of his or her child's birth or death record in which case, the person need only provide a sworn statement under penalty of perjury that he or she is an authorized person. The bill would also establish requirements for a person who has been a victim of identity theft to obtain a birth or death record.

SB 850

Author: Senator Abel Maldonado
Topic: Vital Statistics: Certificate of Still Birth
Status: Chaptered into Law 10/13/07

Existing law requires that each fetal death in which the fetus has advanced to or beyond the 20th week of uterogestation to be registered with the local registrar of births and deaths of the district in which the fetal death was officially pronounced within 8 calendar days following the event and prior to any disposition of the fetus. *This bill would specify that those provisions shall not apply to the termination of a pregnancy performed in compliance with a prescribed law governing reproductive privacy.* The bill would further enact the Missing Angels Act, which would require the local registrar of births and deaths of the county in which a fetal death, in which the fetus has advanced to or beyond the 20th week of uterogestation is registered, to issue, upon request, to the father or mother, a Certificate of Still Birth on a form *prescribed* by the State Registrar of Vital Statistics. The bill would define still birth for this purpose to be delivery of a fetus where there was a naturally occurring intrauterine fetal death that occurred after a gestational age of not less than 20 weeks. The bill would prescribe information to be contained in a Certificate of Still Birth. The bill would also *authorize* the state registrar to *charge a fee for issuing a Certificate of Still Birth not to exceed \$20.00 adjusted annually as prescribed.* *This bill would also authorize a local registrar of births and deaths to charge an appropriate fee not to exceed the cost of issuance.*

Workplace Policy

AB 537

Author: Assemblymember Sandre Swanson
Topic: Family and Medical Leave
Status: Passed Assembly 6/05/07; Passed Senate 9/06/07; To enrollment 9/07/07; **Vetoed by Governor 10/13/07**

This bill would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, (2) expanding the definition of "parent" to include an employee's parent-in-law, and (3) permitting an employee to also take leave to care for a seriously ill grandparent, sibling, grandchild, or domestic partner, as defined.

SB 727

Author: Senator Sheila Kuehl
Topic: Expand Paid Family Leave
Status: Passed Senate 06/07/07; Passed Assembly 9/05/07; Enrolled and sent to Governor 9/11/07, **Vetoed by Governor 10/13/07**

This bill would expand the scope of the family temporary disability insurance program to allow workers to receive wage replacement benefits while they take time off work to care for seriously ill siblings, grandparents, grandchildren, and parents-in-law. The bill clarifies existing law to ensure that Paid Family Leave must be taken concurrently with the California's Family Rights Act and the federal Family and Medical Leave Act. The bill becomes operative July 1, 2008.

SB 836

Author: Senator Sheila Kuehl

Topic: Employment Discrimination

Status: Passed Senate 5/31/07; Passed Assembly 9/06/07; To enrollment 9/07/07; **Vetoed by Governor 10/13/07**

This bill proposes the addition of "familial status" to the list of prohibited bases for employment discrimination in the Fair Employment and Housing Act; i.e., race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation.