



Maternal and Child Health Related Proposed Legislation  
California State Legislature  
2005-2006 Session

## Background

Maternal and Child Health Access and PAC/LAC created the following list of MCH-related legislation that was introduced in 2005. The 2005-2006 session is a two-year session. If the bills that were heard made it to the governor's desk, they were either vetoed or signed by October 9. If they did not make it to the governor's desk, they "failed", or have been pulled and may be reintroduced or reactivated to become two-year bills; or they will just be allowed to "die".

This is a bipartisan list: our organizations do not necessarily support or oppose the bills listed.

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

## Legislation Proposed

### Access and Insurance Coverage

#### **AB 21**

**Author:** Assemblymember Lloyd Levine

**Topic:** Pharmacists: Prescriptions

**Status:** **IN SENATE HEALTH – POSSIBLE TWO YEAR BILL**

This bill would require a pharmacist to dispense a prescription except in specified circumstances, including on religious or moral grounds that the pharmacist has registered with his/her employer. The bill would allow a pharmacist to decline to dispense a prescription only if he or she satisfies certain conditions, such as finding another pharmacy to which the patient would be referred. While applicable to all drugs, AB21 specifically provides for the furnishing of emergency contraception in accordance with standardized protocols as developed by the pharmacist, or as approved by the Medical Board of California in consultation with the American College of Obstetricians and Gynecologists and the California Pharmacists Association. The law shall be known and may be cited as the Women's Contraceptive and Pharmaceutical Freedom Act of 2005. The bill would require revocation of the pharmacist's license for a violation of its provisions. Related legislation: SB644

#### **AB 117**

**Author:** Assemblymember Rebecca Cohn

**Topic:** Treatment Authorization Requests (TARs)

**Status:** **BILL CONTENT CHANGED – POSSIBLE TWO YEAR BILL**

Under existing law, one of the utilization controls to which services are subject under the Medi-Cal program is the treatment authorization request process, which is approval by a department consultant of a specified service in advance of the rendering of that service based upon a determination of medical necessity. This bill would require the department to establish a centralized treatment authorization request operation or to standardize the criteria to be used in the approval of the requests.

**AB 356**

**Author:** Assemblymember Wilma Chan  
**Topic:** Health care coverage: rating and underwriting criteria.  
**Status:** **SIGNED INTO LAW 10-5-05**

This bill would, except as specified, require a health care service plan and a health insurer that offers health care coverage in the individual market to provide an individual to whom it denies coverage or enrollment with a written reason for denial. The bill would also require such a plan or insurer to, at initial enrollment, renewal, or change in premium rate for an individual plan contract to provide written disclosure of all of the rating factors used to determine the premium. The bill would also require a health care service plan or insurer to have written policies and procedures establishing the criteria and process for denial of coverage decisions with regard to individuals and rate setting for such coverage. The bill would require a health care service plan or health insurer to submit these policies and procedures and certain additional information annually to the Director of the Department of Managed Health Care.

**AB 525**

**Author:** Assemblymember Judy Chu  
**Topic:** Health Care  
**Status:** **ASSEMBLY APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

This bill would provide that individuals enrolling in the Family PACT program shall have the option of being deemed eligible for other programs for pregnancy-related care, for breast, cervical or prostate cancer treatment, and for diagnostic and other treatment for certain other cancers that threaten reproductive capability.

**AB 772/SB 437**

**Authors:** Assemblymember Wilma Chan & Senator Martha Escutia  
**Topic:** California for Healthy Kids Program  
**Status:** **AB772 – VETOED BY GOVERNOR 10-7-05**  
**SB437 – ASSEMBLY INACTIVE FILE - POSSIBLE TWO YEAR BILL**

This is the statewide children's health coverage bill sponsored by the 100% Campaign and PICO California to cover ALL children in California up to 300% of poverty. It would create the California Healthy Kids Program, consisting of Medi-Cal and Healthy Families, with all eligible children to be enrolled in one program or the other. The bill would accelerate the process for making eligibility determinations by relying on eligibility determinations made by other public assistance programs, including reduced price school lunch programs, the California Special Supplemental Food Program for Women, Infants, and Children (WIC), and the Food Stamps Program and would streamline enrollment requirements in other ways.

**AB 774**

**Author:** Assemblymember Wilma Chan  
**Topic:** Hospital Self-Pay Policies  
**Status:** **IN SENATE HEALTH – POSSIBLE TWO YEAR BILL**

This bill would require each hospital to develop a policy specifying how the hospital will determine financial liability for services rendered to both financially qualified patients and self-pay patients, as defined. The bill would require the policy to include a section addressing charity care patients that specifies the financial criteria and the procedure used by the hospital to determine whether a patient is eligible for charity care. The bill would require each hospital to perform various functions in connection with the hospital self-pay policy, including notifying patients of the policy, and attempting to determine the availability of private or public health insurance coverage for each patient. The bill would also specify billing and collection procedures to be followed by a hospital, its assignee, collection agency, or billing service.

**AB 977**

**Author:** Assemblymember Pedro Nava  
**Topic:** Health Care Review Process  
**Status:** **IN ASSEMBLY INACTIVE – POSSIBLE TWO YEAR BILL**

This bill would create a public process for review and approval of co-pays, deductibles, and other out-of-pocket costs and would provide guidelines against which these must be reviewed by the Department of Managed Health Care and the Department of Insurance.

**AB 1418**

**Author:** Assemblymember Jerome Horton  
**Topic:** Health Care Coverage: Maternity Benefits  
**Status:** **BILL CONTENT CHANGED – NO LONGER MCH-RELATED BILL**

This bill would have required a health care service plan or health insurance policy that does not include maternity benefits to provide such notice, at the time of solicitation.

**AB 1670**

**Authors:** Assemblymembers Keith Richman and Joe Nation  
**Topic:** Universal Health Care Act  
**Status:** **HEALTH COMMITTEE – POSSIBLE TWO YEAR BILL**

This bill would establish a 3-part health care coverage program. The bill would require each resident of the state to obtain minimum health care coverage, as defined, and submit documentation, except as specified, of this coverage with his or her annual income tax return filed with the Franchise Tax Board . The bill would also require the Secretary of the Health and Human Services Agency to work in conjunction with counties to establish a purchasing pool through which an essential benefits plan, developed by the board and the Department of Managed Health Care, would be made available. The bill would also require the board and the department to establish a subsidy program for qualified employers, as defined, who offer essential benefits coverage for employees earning less than 200% of the federal poverty level.

**AB 1698**

**Author:** Assemblymember Fabian Nuñez  
**Topic:** Health Care Coverage  
**Status:** **VETOED BY GOVERNOR 10-7-05**

This bill would prohibit the limiting age for dependent children covered by health care service plan contracts and insurance policies from being prior to the dependent's 26th birthday.

**SB 24**

**Author:** Senator Deborah Ortiz  
**Topic:** Hospital Charity Care  
**Status:** **APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

This bill would restrict hospitals from beginning collections actions against low-income patients within 150 days of discharge and would require nonprofit hospitals that receive significant tax benefits from the state to provide reasonable charity care and reduced payment policies for low-income patients.

**SB 189**

**Author:** Senator Wes Chesbro  
**Topic:** Health Care Coverage: Substance Related Disorders  
**Status:** **SPOT BILL – POSSIBLE TWO YEAR BILL**

This bill requires HMOs and health insurers to provide coverage for the necessary treatment of substance abuse.

**SB 377**

**Author:** Senator Deborah Ortiz  
**Topic:** Medi-Cal Coverage: Dental Care for Pregnant Women  
**Status:** **SIGNED INTO LAW 10-7-05**

This bill would provide dental and periodontal benefits for all pregnant Medi-Cal beneficiaries in California, regardless of status. AB 377 would improve maternal health and reduce the number of premature deliveries, low birth weights, and children born with disabilities. By providing preventive dental services to

all pregnant women on Medi-Cal, the state will also save money in long-term care. SB 377 requires the Department of Health Services (DHS) to implement the provisions of SB 377 as soon as possible.  
Sponsored by Maternal and Child Health Access.

#### **SB 456**

**Author:** Senator George Runner  
**Topic:** Access for Infants and Mothers (AIM): Federal Funding  
**Status:** FAILED

This bill would provide that federal moneys allocated to the state under the unborn fetus provision of S-CHIP shall also be expended by the MRMIB to support the AIM Program. The bill would require that the moneys received for this purpose shall be deposited in the Perinatal Insurance Fund. The bill would provide that this provision shall be implemented only to the extent that federal financial participation is available.

#### **SB 458**

**Author:** Senator Jackie Speier  
**Topic:** County Health Care  
**Status:** **IN ASSEMBLY HEALTH COMMITTEE – POSSIBLE TWO YEAR BILL**

This bill allows special county commissions established in San Mateo, San Bernardino, Ventura, and other counties with commissions pertaining to the delivery of publicly assisted medical care, to expand the scope of the commissions to include meeting the problems of a lack of access to affordable health care coverage. The bill authorizes the commissions to offer coverage for both publicly assisted medical care and privately financed medical care for both the residents of the county and residents of other counties if the commission's governing body determines that there exists a need for affordable coverage in other counties.

#### **SB 644**

**Author:** Senator Deborah Ortiz  
**Topic:** Dispensing Prescription Drugs and Devices  
**Status:** **SIGNED INTO LAW 9-29-05**

This bill would require that a health care licentiate dispense drugs and devices pursuant to a lawful prescription or order except in specified circumstances, including on ethical, moral, or religious grounds asserted by the licentiate. The bill would authorize the licentiate to decline to dispense the prescription or order on that basis only if the licentiate notified his or her employer of the objection and it can be reasonably accommodated. In all other cases, health care licensees (e.g. pharmacists) would be prohibited from obstructing a patient from obtaining prescribed drugs or devices. Related legislation AB21.

#### **SB 798**

**Author:** Senator Joe Simitian  
**Topic:** Prescription Drugs: collection and distribution program  
**Status:** **SIGNED INTO LAW 9-30-05**

This bill would authorize a county to establish, by ordinance, a repository and distribution program for purposes of distributing surplus unused medications to persons in need of financial assistance to ensure access to necessary pharmaceutical therapies. The bill would limit the program to pharmacies owned by or contracting with the county. It would require a county, in order to participate in the program, to establish procedures that would, at a minimum (1) establish eligibility for medically indigent patients who may participate in the program (2) ensure that eligible patients are not charged for any medications provided under the program (3) develop a formulary of appropriate medications for the program (4) ensure proper safety and management of any medications collected by and maintained under the authority of a licensed pharmacy and (5) ensure the privacy of individuals for whom the medication was originally prescribed.

#### **SB 840**

**Author:** Senator Sheila Kuehl  
**Topic:** Single Payer Health Care Coverage  
**Status:** **IN ASSEMBLY – POSSIBLE TWO YEAR BILL**

This bill would establish the California Health Insurance System to be administered by the newly created California Health Insurance Agency under the control of an elected Health Insurance Commissioner. The bill would make all California residents eligible for specified health care benefits under the California Health Insurance System, provided on a single-payer basis. The bill requires the health care system to be operational within two years of enactment. The bill also establishes various offices within the agency to protect consumer rights, establish quality of care standards and plan for the health care needs of the population.

## Changes to Health and Social Service Programs, including Eligibility and Enrollment

### AB 116

**Author:** Assemblymember Shirley Horton

**Topic:** Child Health and Disability Program

**Status:** **IN ASSEMBLY HEALTH – POSSIBLE TWO YEAR BILL**

The bill would provide that a licensed physician including a licensed osteopath, would be eligible to participate as a CHDP Program provider so long as he or she holds an unrestricted license to practice medicine or osteopathy, provides primary care services as a family practitioner, pediatrician, internist, or general practitioner, and delivers services as an employee or contractor of a clinic, as specified. The bill would specify that these CHDP provider eligibility provisions shall not be interpreted to limit the types of providers who are eligible to provide early and periodic screening, diagnostic, and treatment services, as defined in federal law, or to exempt physicians from uniformly applied quality assurance standards that are consistent with the bill and federal law.

### AB 119

**Author:** Assemblymember Rebecca Cohn

**Topic:** Medi-Cal Provider Enrollment

**Status:** **IN SENATE APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

This bill would provide for the automatic enrollment in the Medi-Cal program as a preferred provisional provider of any physician and surgeon licensed by the Medical Board of California or osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California, who meets specified conditions.

### AB 624

**Author:** Assemblymember Cindy Montañez

**Topic:** Medi-Cal Program: Healthy Families Program: Child Health and Disability Program

**Status:** **VETOED BY GOVERNOR 10-7-05**

AB 624 requires the State Department of Health Services (DHS) to condense the current “two-step” application process for the CHDP Gateway into one simple application. Eligible children could enroll into Medi-Cal and Healthy Families through the electronic CHDP Gateway system and maintain coverage until the county makes a final eligibility determination. In addition to the streamlined application form, AB 624 simplifies the income documentation requirements for families enrolling their children through the CHDP Gateway. Sponsored by Maternal and Child Health Access.

### AB 696

**Author:** Assemblymember Judy Chu

**Topic:** Public Social Services: CalWORKS and Food Stamp Program

**Status:** **VETOED BY GOVERNOR 10-7-05**

This bill would replace the quarterly redetermination requirement with a semiannual requirement and would make conforming changes, including deletion of the fingerprint imaging requirement. The bill would also require the department to undertake various actions to improve the Food Stamp Program at the state and county levels with respect to customer service and performance standards, including, among other things, development of mail-in application procedures for the program.

**AB 711****Author:** Assemblymember Wilma Chan**Topic:** Medi-Cal Program: Healthy Families Program**Status:** **IN APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

This bill would require the MRMIB to expand the Healthy Families program to uninsured parents and adults no later than May 15, 2006. The bill would also delete the provisions requiring the appropriation of state matching funds in order to expand the program.

**AB 779****Author:** Assemblymember Hector De La Torre**Topic:** Medi-Cal Program: Maintaining Eligibility**Status:** **VETOED BY GOVERNOR 10-6-05**

This bill would require the department to implement a procedure to notify all Medi-Cal providers regarding the date by which any forms must be submitted by Medi-Cal managed care beneficiaries to continue their eligibility in the Medi-Cal program.

**AB 855****Author:** Assemblymember Karen Bass**Topic:** CalWORKS**Status:** **VETOED BY GOVERNOR 10-7-05**

This bill would provide that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive CalWORKS benefits if he or she meets certain conditions of eligibility.

**AB 1239****Author:** Assemblymember Wilma Chan**Topic:** Self-certification of Assets**Status:** **IN APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

Requires the Department of Health Services (DHS) to permit, commencing on January 1, 2006, an individual eligible for benefits under the Medi-Cal 1931(b) program to certify his or her countable resources by means of a statement made under penalty of perjury at the time of application for benefits and to the extent federal financial participation is available.

**AB 1298****Author:** Assemblymember Noreen Evans**Topic:** Self-Certification of Assets**Status:** **SENATE APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

This bill would allow CalWORKS, Food Stamps, Healthy Families and Medi-Cal recipients to submit a sworn statement as evidence of their property and assets. AB 1298 also would establish a work group to develop procedures for streamlining eligibility requirements and reducing administrative costs associated with asset certification. This bill was placed in the suspense file in the Senate Appropriations Committee.

**AB 1671****Author:** Assemblymember Keith Richman**Topic:** Cal-Health Act**Status:** **IN APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

This bill is also part of the Nation and Richman expansion package. AB 1671 requires DHS to establish an enrollment and retention program to serve as a single point of entry for all health care programs offered by state and local government agencies, using an electronic enrollment process. It also authorizes DHS to use any state government database to identify and locate individuals eligible for these programs.

**SB 13****Author:** Senator Debra Bowen**Topic:** Personal information: Limiting researcher access to state agency databases**Status:** **SIGNED INTO LAW 9-22-05**

Under existing law, the Committee for the Protection of Human Subjects (CPHS) serves as the State's institutional Review Board (state IRB) for the Health and Human Services Agency (HHSA) to ensure ethical conduct of human subjects research including confidentiality and protection of personal information. This bill permits state agencies to release personal information to the University of California or a nonprofit educational institution conducting scientific research only if the research protocol has been reviewed and approved by the state IRB. Existing law prohibits the disclosure of confidential information regarding applicants and recipients of public assistance benefits, with certain exceptions that include allowing the State Department of Social Services to make case records available for research purposes provided that the research will not result in the disclosure of the identity of applicants for or recipients of public social services. This bill would allow the department to make these case records available provided that this will not result in disclosure of the identity of applicants for or recipients of public social services and will not disclose personal information in a manner that would link the information to the individual to whom it pertains. This bill will allow for the continuation of case record availability for research purposes, provided that DSS complies with the state IRB approval process created by the bill.

#### **SB 23**

**Author:** Assemblymember Carole Migden

**Topic:** Healthy Families and Medi-Cal

**Status:** **VETOED BY GOVERNOR 10-7-05**

Would require the Managed Risk Medical Insurance Board (MRMIB) and the Department of Health Services (DHS) to enter into an interagency agreement with the Employment Development Department (EDD) to promote participation in the Healthy Families and Medi-Cal programs, would require MRMIB to develop a process by which family contributions to Healthy Families are deducted from an applicant's pay and are transmitted by the employer to MRMIB, and would make other related changes.

#### **SB 38**

**Author:** Senator Elaine Alquist

**Topic:** Healthy Families Program: Definition

**Status:** **IN ASSEMBLY – POSSIBLE TWO YEAR BILL**

As amended February 16, 2005, this bill would expand the Healthy Families program by covering children up to 300% of the federal poverty level.

## Child Health

#### **AB 253**

**Author:** Assemblymember Greg Aghazarian

**Topic:** Child Abuse

**Status:** **IN ASSEMBLY PUBLIC SAFETY – POSSIBLE TWO YEAR BILL**

This bill would provide that any parent, guardian, or caregiver of a minor child who knowingly and unlawfully consumes, smokes, inhales, ingests, or otherwise uses a specified controlled substance, if the act occurs in the presence of, or is witnessed by, a minor child under his or her care, is punishable by imprisonment in the state prison for 16 months, or two or three years. Specified controlled substances would include cocaine, cocaine base, PCP, LSD, heroin, methamphetamine or 3,4-methylenedioxyamphetamine (MDMA).

#### **AB 264**

**Author:** Assemblymember Wilma Chan

**Topic:** Schools: Asthma Management

**Status:** **IN SENATE APPROPRIATIONS – POSSIBLE TWO YEAR BILL**

The bill would require each school district and county office of education to ensure that each school within its jurisdiction has a copy of the Guidelines for the Management of Asthma in California Schools, by ensuring that the school has either downloaded a copy of the report from the Internet or has obtained a copy of the report in another manner. This bill would also require a school district that receives an asthma action plan, submitted by the parent or guardian of a pupil identified as having asthma, to maintain the plan

on file and to provide the plan, along with other specified information, to each teacher of the pupil. This bill would allow a school district or school, individually or jointly with another school district or school, to provide a comprehensive asthma management training program to certificated employees.

#### **AB 349**

**Author:** Assemblymember Dennis Mountjoy

**Topic:** Prohibited instruction: Sexual instruction or counseling

**Status:** **IN ASSEMBLY EDUCATION COMMITTEE – POSSIBLE TWO YEAR BILL**

This bill would prohibit certain sexual instruction or counseling of pupils in kindergarten and grades 1 to 6, inclusive, and would require a school district to provide notice and obtain the written approval of the parent or guardian of a pupil to provide this instruction or counseling to a pupil in grades 7 to 12, inclusive, as specified.

#### **AB 1074**

**Author:** Assemblymember Judy Chu

**Topic:** HIV Testing for Foster Children

**Status:** **IN ASSEMBLY HUMAN SERVICES – POSSIBLE TWO YEAR BILL**

Existing law prohibits disclosure of the results of a HIV test without written consent of the subject of the test, except to designated persons. This bill would allow foster parents, relative caregivers and assigned social workers for dependent children of juvenile court to receive results of an HIV test performed on a child under the age of 12 in their care. It would also allow these same individuals to consent to having an HIV test performed on a child under the age of 12.

#### **AB 1077**

**Author:** Assemblymember Wilma Chan

**Topic:** Pupil Health: Dental Health Assessments

**Status:** **IN APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

This bill requires pupils who are attending public schools to provide proof of having received, while in kindergarten, grade two, and grade six, an oral assessment by a dentist or dental hygienist by January 15 of each school year. Public schools would be required to notify parents or guardians of children enrolled in the above grades regarding the assessment required, as well as provide a standardized assessment form to be used by dental professionals, or for parents/guardians to indicate why an assessment cannot be completed. Schools will provide information on the importance of oral health, as well as a toll-free number through which to request enrollment in a government subsidized health insurance program if completion of the assessment poses an undue financial burden on the parent or guardian.

## Environmental Exposure

#### **AB 121**

**Author:** Assemblymember Juan Vargas

**Topic:** Imported candy: Maximum allowable lead levels

**Status:** **SIGNED INTO LAW 10-7-05**

This bill requires DHS to monitor lead levels in imported candy, establish maximum allowable lead levels in imported candy, issue health advisory notices to county health departments, and notify the manufacturer/distributor that the candy exceeds the maximum allowable lead level, thus may not be sold or distributed in the state until further testing finds candy in compliance. Violation of this bill is a crime.

#### **AB 319**

**Author:** Assemblymember Wilma Chan

**Topic:** Phthalates and bisphenol-A in children's products

**Status:** **IN ASSEMBLY APPROPRIATIONS – POSSIBLE TWO YEAR BILL**

Would prohibit the manufacture, sale, or distribution of any product intended for use by a child three years of age or younger if that product contains bisphenol A and phthalates, chemicals used in many products intended for use by young children, including, but not limited to, toys, pacifiers, and baby bottles.

#### **AB 405**

**Author:** Assemblymember Cindy Montañez

**Topic:** Toxics

**Status:** **SIGNED INTO LAW 10-6-05**

This bill would prohibit, in specified circumstances, the use on a school site of specified pesticides that have been granted a conditional registration, an interim registration, or an experimental use permit by the Department of Pesticide Regulation or the United States Environmental Protection Agency. It would prohibit the use on a school site of a pesticide if those agencies cancel or suspend registration, or require phase out of use, of the pesticide. The bill would also prohibit a vendor or manufacturer from making those pesticides available to a school district either by sale or by gift.

#### **AB 888**

**Author:** Assemblymember Hector de la Torre

**Topic:** Air Pollution: South Coast Air Quality Management District

**Status:** **IN SENATE ENVIRONMENTAL QUALITY – POSSIBLE TWO YEAR BILL**

Diesel exhaust is designated as a toxic air contaminant and accounts for over 70 percent of the cancer risk from air contaminants in southern California. Communities near rail yards, including, but not limited to, low-income communities and communities of minority populations, are adversely impacted by toxic exhaust from diesel-powered rail yard equipment. This bill would authorize the south coast district to establish a rail yard equipment emission reduction program by permitting the south coast district to adopt regulations requiring the owner or lessee of any heavy-duty motor vehicle, nonroad engine, or nonroad vehicle to install retrofit controls or replace existing equipment with clean technologies to reduce emissions of air contaminants to the maximum extent feasible, if that vehicle or engine operates substantially in a rail yard within the south coast district, as determined by the south coast district.

#### **AB 908**

**Author:** Assemblymember Judy Chu

**Topic:** Cosmetics

**Status:** **IN ASSEMBLY HEALTH – POSSIBLE TWO YEAR BILL**

This bill would provide that any cosmetic is misbranded if sold by Internet Website where the list of ingredients in the cosmetic is not easily and readily available to be viewed by the prospective purchaser before the purchase is completed. This bill would prohibit the manufacture, sale, and distribution of products containing phthalates, chemicals added to plastics and other products that may affect users' health.

#### **AB 1681**

**Author:** Assemblymember Fran Pavley

**Topic:** Lead-containing Jewelry

**Status:** **IN SENATE ENVIRONMENTAL QUALITY – POSSIBLE TWO YEAR BILL**

This bill was originally part of AB 1415, a mercury reduction bill, but is now replacing a relationship service bill. This bill prohibits the sale, promotion, and importation of jewelry with more than 200 parts per million total lead. The current version contains mainly legislative findings about the harmful effects of lead.

#### **SB 484**

**Author:** Senator Carole Migden

**Topic:** Cosmetics: Chronic health effects

**Status:** **SIGNED INTO LAW 10-7-05**

This bill would establish the California Safe Cosmetics Act of 2005. It would require cosmetic manufacturers to report to the Department of Health Services all ingredients that could cause cancer or

other reproductive toxicity. Violation of this requirement would be a crime under existing law, thereby imposing a state-mandated local program.

#### **SB 600**

**Author:** Senator Deborah Ortiz  
**Topic:** Biomonitoring  
**Status:** **VETOED BY GOVERNOR 10-7-05**

This bill would require the Division of Environmental and Occupational Disease Control within the department to establish the Healthy Californians Biomonitoring Program to monitor the presence and concentration of designated chemicals, as defined, in Californians. It would also require the department and the agency to establish an advisory panel to assist the department and the agency. It would establish the Healthy Californians Biomonitoring Fund for deposit of funds, upon appropriation by the Legislature, and would continuously appropriate the fund for the biomonitoring program. The bill would require the department to provide public access to information, and to report to the Legislature and the public.

#### **SB 863**

**Author:** Senator Dean Florez  
**Topic:** California Clean Air Bond Act  
**Status:** **IN SENATE APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

This bill would enact the California Clean Air Bond Act which, if adopted, would authorize the issuance of bonds in the amount of \$5,150,000,000. Bond money would pay for a variety of air pollution reduction activities and asthma-related programs.

#### **SB 870**

**Author:** Senator Martha Escutia  
**Topic:** Air Quality: Violations  
**Status:** **IN SENATE APPROPRIATIONS – POSSIBLE TWO YEAR BILL**

This bill would enact legislation that provides for mandatory minimum penalties in cases of serious and chronic stationary source violations of air pollution control laws, and that would allow community-based air pollution control programs to receive moneys derived from fines levied against those violators.

#### **SB 985**

**Author:** Senator Joseph Dunn  
**Topic:** Lead in Candy  
**Status:** **IN SENATE APROPRIATIONS – POSSIBLE TWO YEAR BILL**

This bill requires DHS to regulate specified candy and test to determine presence of lead. DHS must then issue health advisories, order candy to be removed from retailers, and order embargo of candy found to contain impermissible levels of lead and inform the community of the presence of lead in candy. The bill permits DHS to enter into contracts with county health officers and environmental justice organizations to help achieve its goals. Violation of this bill is a crime.

## Hospital Emergency Services

#### **SB 57**

**Author:** Senator Richard Alarcon  
**Topic:** Pediatric Trauma Care  
**Status:** **VETOED BY GOVERNOR 10-7-05**

This bill allows counties to increase the fine for some criminal offenses and use a portion of that money to equip and reimburse trauma centers that provide pediatric trauma care.

## SB 279

**Author:** Senator Gil Cedillo

**Topic:** Physicians and Surgeons: Emergency Services

**Status:** SIGNED INTO LAW 10-6-05

This bill assists in assuring physician coverage for emergency departments.

## SB 499

**Author:** Senator Richard Alarcon

**Topic:** Report of Closure of Emergency Medical Services

**Status:** VETOED BY GOVERNOR 10-7-05

This bill requires hospitals, prior to issuing a notice of intent to reduce or eliminate emergency medical services, to conduct and make public a report analyzing the impact of the reduction or closure.

## Infectious Diseases

### SB 235

**Author:** Senator Jeff Denham

**Topic:** HIV exposure: Penalties

**Status:** IN SENATE PUBLIC SAFETY COMMITTEE – POSSIBLE TWO YEAR BILL

Existing law makes it a felony for a person to expose another to HIV by engaging in unprotected sexual activity when the infected person knows at the time of the unprotected sex that he or she is infected with HIV, has not disclosed his or her HIV-positive status, and acts with the specific intent to infect the other person with HIV. This bill would revise the definition and penalty of that felony by deleting the requirement that the person act with specific intent to infect the other person with HIV. Rather, the revised definition would include the condition that the infected person acted with willful or wanton disregard for the health of the other person. The bill would delete existing penalties for that crime and instead make the felony punishable by imprisonment in a county jail not to exceed one year or by imprisonment in a state prison for two, three or four years

## Medical Education

### AB 1195

**Author:** Assemblymember Joe Coto

**Topic:** Continuing Education: Cultural and Linguistic Competency

**Status:** SIGNED INTO LAW 10-4-05

Under the existing Medical Practice Act, physicians and surgeons are required to demonstrate satisfaction of continuing education requirements as a component of licensure and regulation by the Medical Board of California. This bill would require that continuing medical education courses, except as specified (i.e. courses dedicated solely to research, not including a direct patient care component, or not located within the state of California), must include curriculum in the subjects of cultural and linguistic competency in the practice of medicine, on and after July 1, 2006. This bill would require accreditation associations to develop standards for this curriculum before July 1, 2006.

## Mental Health

### AB 291

**Author:** Assemblymember Paul Koretz

**Topic:** Postpartum Mood and Anxiety Disorders: Screening

**Status:** IN ASSEMBLY HEALTH – POSSIBLE TWO YEAR BILL

This bill would include as a component of the State Department of Health Services, Maternal and Child Health Branch, a requirement that pregnant women and new mothers be screened for postpartum mood

and anxiety disorders, at designated intervals. The bill would require a physician or other health care practitioner to review and discuss the screening tool with the patient. The bill would require the physician or other health care practitioner to present the patient with an information sheet on postpartum mood and anxiety disorders, developed or obtained by the department for distribution in accordance with the bill. The bill also levies an administrative fine against a physician or other health care practitioner who violates the bill's requirements, upon the second and subsequent complaints. The fines collected will be used by the Office of Women's Health within the department for outreach services that provide information to women about postpartum mood and anxiety disorders.

#### **AB 470**

**Author:** Assemblymember Leland Yee

**Topic:** Mental Health Assessment and Services for Children

**Status:** **IN ASSEMBLY HEALTH – POSSIBLE TWO YEAR BILL**

This bill would require county mental health agencies to provide a mental health assessment and all necessary mental health services for children whose families are recipients of prescribed general assistance benefits, or who are wards or dependent children of the court.

## Nursing Scope of Practice

#### **SB 614**

**Author:** Senator Liz Figueroa

**Topic:** Certified Nurse Mid-wives

**Status:** **SIGNED INTO LAW 9-22-05**

This bill would delete the requirement that Schedule II controlled substances be ordered in a hospital. The bill would authorize a certified nurse-midwife to furnish or order Schedule II controlled substances under conditions applicable to Schedule III, IV, or V controlled substances.

## Nursing Workforce

#### **AB 167**

**Author:** Assemblymember Rebecca Cohn

**Topic:** Nursing Workforce Education Investment Act

**Status:** **IN ASSEMBLY HEALTH – POSSIBLE TWO YEAR BILL**

This bill would establish the Nursing Workforce Education Investment Act. The bill would establish in OSHPD a state nursing contract program with accredited schools and programs that educate and train licensed vocational nurses and registered nurses to increase the supply of nurses in California. The bill would require OSHPD to give priority to programs that include training specifically designed for medically underserved multicultural communities, lower socioeconomic neighborhoods, or rural communities, and prepare program graduates for service in those neighborhoods and communities. It would require the state nursing contract program to be funded under the federal Workforce Investment Act discretionary funding commencing in the 2007-08 fiscal year, and would require OSHPD to enter into an interagency agreement with the Employment Development Department to ensure compliance with the federal act's requirements.

#### **AB 702**

**Author:** Assemblymember Paul Koretz

**Topic:** Nursing Education

**Status:** **SIGNED INTO LAW 10-6-05**

Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation, a public benefit corporation, to provide financial assistance in the form of scholarships or loans for educational costs of registered nurses or graduates of associate degree nursing programs who agree to serve in underrepresented areas. This bill would, in addition, allow the office to provide financial assistance to masters or doctoral degree nursing students. This bill would create the

Registered Nurse Educator Scholarship Program within the Health Professions Education Foundation. Program participants must agree in writing, prior to graduation, to serve in an eligible county or state operated health facility, a health manpower shortage area, or if completing a master's or doctoral degree, commit to teaching in a California nursing school for five year upon completion of their studies.

#### **AB 958**

**Author:** Assemblymember Hector De La Torre

**Topic:** Public postsecondary education: Nursing education

**Status:** **IN ASSEMBLY HIGHER EDUCATION – POSSIBLE TWO YEAR BILL**

This bill would express the intent of the Legislature to establish a program pursuant to which foreign-educated physicians may obtain a Bachelor of Science degree in nursing. The bill would require the trustees, and request the regents, to establish a nursing education program designed to allow foreign-educated physicians, and other qualified persons with a significant background of health care knowledge, to obtain Bachelor of Science degrees in nursing as a gateway to becoming registered nurses.

#### **AB 1184**

**Author:** Assemblymember Paul Koretz

**Topic:** Nurses and Certified Nurse Assistants - Overtime

**Status:** **VETOED BY GOVERNOR 9-29-05**

This bill would provide that a nurse, defined as a registered nurse or a licensed vocational nurse, or a certified nurse assistant (CNA), employed by the State of California in a state facility, as defined, may not be compelled to work in excess of the regularly scheduled workweek or work shift, except under certain circumstances, including the occurrence of a catastrophic event in a state facility. The bill would prohibit a state facility from coercing a nurse or CNA to work overtime, or from retaliating or discriminating against the nurse or CNA for refusing to work overtime.

## Nutrition

#### **AB 569**

**Author:** Assemblymember Bonnie Garcia

**Topic:** Child Nutrition

**Status:** **IN SENATE APPROPRIATIONS – POSSIBLE TWO YEAR BILL**

This bill, commencing on January 1, 2007, would require a school district that elects to contract with a commercial food vendor to prepare or provide food for sale to pupils on a school campus to make information available on the nutritional content of all food items sold.

#### **AB 826**

**Author:** Assemblymember Pedro Nava

**Topic:** California Farm to School Child Nutrition Improvement Program

**Status:** **VETOED BY GOVERNOR 10-7-05**

This bill would establish the California Farm to School Child Nutrition Improvement Program to be implemented by the State Department of Education, in collaboration with the Department of Food and Agriculture and the State Department of Health Services. The bill would require the State Department of Education to offer voluntary farm to school workshops and training, as specified, to school food service directors and school food service personnel on the purchasing and use of seasonal fruits and vegetables from local farmers for use in federally reimbursable meal programs and other meals served on campus. It would require the Department of Food and Agriculture, to the extent funding is available, to provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a local Farm to School program.

#### **AB 1385**

**Author:** Assemblymember John Laird

**Topic:** School Meals

**Status:** **SIGNED INTO LAW 9-28-05**

This bill would require the State Department of Education to develop and implement a data matching system to directly certify recipients of public assistance programs for enrollment in the National School Lunch and School Breakfast programs.

**AB 1593**

**Author:** **Assemblymember Joe Coto**

**Topic:** **Child nutrition**

**Status:** **VETOED BY GOVERNOR 10-7-05**

Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC), provides for redemption of nutrition coupons by recipients at any authorized food vendor. Existing federal and state regulations set forth the circumstances under which a WIC vendor is subject to federally required sanction. This bill would prohibit a federally required three year disqualification from being imposed on a vendor in the WIC program based on violations found during a single monitoring visit, would define when a pattern of violations exist and would impose related notice requirements on the department.

**SB 12**

**Author:** **Senator Martha Escutia**

**Topic:** **School Food Nutrition**

**Status:** **SIGNED INTO LAW SEPT. 15**

Existing law prohibits the sale of certain beverages and food items at elementary schools, and at middle and high schools participating in a pilot program. Commencing July 1, 2007, this bill would revise and limit those provisions to elementary schools, and additionally enact new provisions to prohibit the sale of non-nutritious beverages and food items at all middle, junior, and high schools. The Superintendent of Public Instruction would be required to monitor and report school district compliance with specified pupil nutrition and activity requirements. Related legislation: SB965

**SB 281**

**Author:** **Senator Abel Maldonado**

**Topic:** **School Food Nutrition**

**Status:** **SIGNED INTO LAW SEPT. 15**

This bill provides a framework to implement the \$18.2 million in the Governor's budget to include more fresh fruits and vegetables in school meal programs.

**SB 454**

**Author:** **Senator Deborah Ortiz**

**Topic:** **Health Counseling**

**Status:** **ASSEMBLY APPROPRIATIONS – POSSIBLE TWO-YEAR BILL**

This bill would require the Managed Risk Medical Insurance Board and the State Department of Health Services to establish standards for the Medic-Cal and Healthy Families Programs, respectively, such that participating health plans provide health beneficiaries with materials promoting nutrition education, increased physical activity and participation in federal nutrition programs. The standards would ensure that the materials are culturally and linguistically appropriate to significant numbers of plan enrollees with the objective that the beneficiaries can obtain materials without a provider's referral. This bill would require participating health plans to engage in culturally and linguistically appropriate outreach so that enrollees are aware of the benefits.

**SB 965**

**Author:** **Senator Martha Escutia**

**Topic:** **Pupil Nutrition: Beverages**

**Status:** **SIGNED INTO LAW 9-15-05**

This bill would modify the list of beverages that may be sold to pupils at an elementary, middle or junior high school and would restrict the sale of certain beverages to high school students at specified times.

Specifically, this bill would restrict the sale of beverages to elementary school pupils to include only fruit and vegetable based drinks comprised of no less than 50 percent juices with no added sweetener, drinking water, and milk except as part of a school fundraising event sold by pupils one half-hour after the end of the school day or away from the premises of the school. Similar beverage restrictions and applicable time frames are specified for middle and high school pupils. Related legislation SB12

## Maternal and Child Health Miscellaneous

### AB 59

**Author:** Assemblymember Rebecca Cohn

**Topic:** Domestic Violence: Presence of Minors: Enhancements

**Status:** IN APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL

This bill would provide that a person convicted of the commission of felony domestic violence, when the person knew that the violence was committed in the presence of any child under 18 years of age, shall receive an enhancement of one year in the state prison. The bill would also provide that a person convicted of the commission of misdemeanor domestic violence, when the person knew that the violence was committed in the presence of any child under 18 years of age, shall receive a mandatory jail term of at least 90 days for the offense. For a misdemeanor domestic violence offense with an existing mandatory minimum term, that term would be increased by 90 days, as specified. Furthermore, the bill would provide that a person convicted of inflicting great bodily injury, as defined, on any victim of felony domestic violence, when the person knew that the violence was committed in the presence of any child under 18 years of age shall receive an enhancement of 2 years in the state prison.

### AB 478

**Author:** Assemblymember Sally Lieber

**Topic:** Female Inmates and Wards

**Status:** SIGNED INTO LAW 10-6-05

This bill would ensure that pregnant inmates taken to a hospital outside the prison are transported in the least restrictive way possible and would provide that at no time shall a woman who is in labor be shackled by the wrists, ankles, or both, including during the transport to the hospital, during delivery, and while in recovery after birth. Existing law provides that an inmate who gives birth after her receipt by the Department of Corrections may be declared eligible to participate in a community treatment program that provides for the release of the mother and child to a public or private facility in the community suitable to their needs. This bill would require any community treatment program in which such an inmate participates to include prenatal care, access to prenatal vitamins, childbirth education, and infant care. This bill would require the department to develop minimum standards for pregnant inmates not eligible for the program, including the provision of necessary nutrition and vitamins, information and education and a dental cleaning.

### AB 775

**Author:** Assemblymember Leland Yee

**Topic:** Interpreters: Prohibition on use of children.

**Status:** IN SENATE JUDICIARY – POSSIBLE TWO YEAR BILL

This bill would prohibit any state or local governmental agency, or any public or private agency, organization, entity, or program that receives state funding, from using any child, or permitting any child to be used, as an interpreter, as defined, in any hospital, clinic, or physician office in the context of diagnosis and treatment, except as specified. The bill would require each such agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for providing competent interpretation services that does not involve the use of children, as defined, in this manner.

**AB 1701****Author:** Assemblymember Karen Bass**Topic:** Birth Defects Monitoring Program: Fees**Status:** **IN APPROPRIATIONS SUSPENSE FILE – POSSIBLE TWO YEAR BILL**

This bill adds the California Birth Defects Monitoring Program (CBDMP) to the list of the activities funded through the Health Statistics Special Fund, in order to monitor birth defects, to find the causes of birth defects, and to develop knowledge about how to lower infant mortality rates. Requires an assessment of an additional \$2 for every certified copy of a death certificate for the purpose of increasing revenue in the Birth Defects Monitoring Program account.

**AB 109****Author:** Senator Wilma Chan**Topic:** California Children and Families Program**Status:** **SIGNED INTO LAW 9-22-05**

Adds to the requirements that a county children and families commission (county commission) must meet in order to receive funding under the California Children and Families Program (CCFP). Specifically, the bill requires the adoption of conflict of interest policies, policies and processes for salaries and benefits and places a limit on the percentage of the county commission's operating budget that may be spent on administrative functions. The bill also requires each county commission to submit its audit and report to the state commission for inclusion in the state report to the Controller.

**SB 300****Author:** Senator Sheila Kuehl**Topic:** Family and Medical Leave**Status:** **IN ASSEMBLY APPROPRIATIONS – POSSIBLE TWO YEAR BILL**

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, and (2) permitting an employee to take leave to care for a seriously ill grandparent, sibling, or domestic partner, as defined. This bill would prohibit the employer from requiring the employee to disclose his or her own diagnosis or course of treatment, or that of a family member, as a condition of granting family or medical leave.

**SB 869****Author:** Senator Debra Bowen**Topic:** Visiting Nurse Program**Status:** **VETOED BY GOVERNOR 10-7-05**

This bill would require the State Department of Health Services to establish and implement a program to make grants to eligible participating counties for the provision of voluntary visiting nursing services to first-time low -income mothers. This bill would appropriate \$3,500,000 from the General Fund to the department for the purposes of this bill.

## 4Public Health

**AB 28****Author:** Assemblymember Alan Nakanishi**Topic:** Public Health Care**Status:** **SPOT BILL – POSSIBLE TWO YEAR BILL**

This bill would express the Legislature's intent to ensure that health care providers who contract to provide medical services to underserved populations as agents of the state are provided liability protection by the state.

**AB 1278****Author:** Assemblymember Bill Emmerson**Topic:** Vital Records**Status:** **SIGNED INTO LAW 9-30-05**

This bill would revise the medical and social information to be included on a certificate of live birth relating to prenatal activities and procedures and principal sources of payment for prenatal care and delivery. This bill would require the State Registrar to instruct the local registrars to collect additional information relating to, among other things, the mother's mailing address, height, weight, and smoking habits. This bill would require that the information be kept confidential and be labeled accordingly. The Vital Statistics Advisory Committee shall conduct a review of the contents of the certificate of live births to coincide with decennial revisions by the National Center for Health Statistics to the United State Standard Certificate of Live Birth to recommend the adoption of modifications similar to those made to the federal certificate.

## Reproductive Health and Perinatal Care

**SB 147****Author:** Senator George Runner**Topic:** Fetal Pain Prevention**Status:** **IN SENATE HEALTH – POSSIBLE TWO YEAR BILL**

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

**AB 1427****Author:** Assemblymember Dennis Mountjoy**Topic:** Abortion: Saving Tissue for Evidence**Status:** **IN ASSEMBLY PUBLIC SAFETY – POSSIBLE TWO YEAR BILL**

This bill would require a physician and surgeon performing an abortion on a minor to retain sufficient tissue of the aborted fetus to permit DNA testing for the purpose of determining paternity and establishing the guilt or innocence of the accused in any criminal action regarding sexual crimes relating to the aborted pregnancy

## Safety

**AB 963****Author:** Assemblymember Bonnie Garcia**Topic:** Teen Cell Phone Use**Status:** **IN SENATE TRANSPORTATION AND HOUSING – POSSIBLE TWO YEAR BILL**

This bill would prohibit teens from using cell phones while driving during their probationary driving period.