



To: CHEAC General Membership

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RE: 2020 End of Session Memo

Moments ago, the Legislature concluded the 2019-20 Legislative Session. This year, legislators introduced 2,390 bills, including 730 and 1,660 bills introduced by the Senate and Assembly, respectively. However, the Legislature was forced to adjust to truncated timelines and new ways of conducting business.

At the start of this week, over 680 bills awaited legislative action. To add to an already challenging year, the Senate's work was halted last Wednesday due to a member of the Senate testing positive for the coronavirus and all but one member of the Senate Republican caucus being exposed. To complete their business, the Senate resumed their work the following day with Senate Republican members voting remotely.

Tensions surfaced as the Legislature worked to meet the constitutional deadline to pass bills by midnight. Following the midnight deadline, only bills calling elections, providing for tax levies or appropriations for usual current expenses of the state, urgency measures, and bills passed after being vetoed by the Governor are eligible to be passed. As the Senate made a final push to pass a bill ([SB 1064](#)) before midnight, the Senate began a roll call vote just before midnight. Because the vote was not completed by midnight, Senate Republican Leader Grove challenged the validity of the vote on the bill, halting any further activity for nearly 40 minutes.

Over the final days of session, the Legislature acted on several highly debated and headline-worthy bills including:

**Attorney General Opioid Settlement Authority ([AB 6](#))**. Late last week, Assembly Member Eloise Reyes amended AB 6 to allow the attorney General to facilitate a statewide opioid settlement agreement with opioid manufacturers. The bill encourages government entities that filed lawsuits before August 24, 2020, to join such settlement. In addition, the bill allows the Attorney General to release lawsuits from government entities filed after August 24, 2020. The bill would require funding provided by the settlement to be deposited into the General Fund for future appropriation by the Legislature. The measure did not come before the full Senate or Assembly for a vote.

**Eviction Moratorium ([AB 3088](#))**. Last Friday, Governor Newsom announced that he and legislative leaders had reached a deal to provide protections to tenants experiencing economic hardship because of the COVID-19 pandemic. As a result, yesterday the legislature passed AB 3088. The measure protects tenants attesting to financial hardships due to COVID-19 between March and August 31, 2020 from being evicted for unpaid rent. Between September 1, 2020 and January 31, 2021 renters are required to pay at least 25

percent of the rent of the total rent due for those months on or by January 31, 2021. Landlords would be able to pursue lost rent starting March 1, 2021 in small claims court.

Shortly before midnight, Governor Newsom [announced](#) that he had signed AB 3088 into law.

**Flavored Tobacco (SB 793 - Chapter 34, Statutes of 2020).** SB 793 by Senator Jerry Hill prohibits tobacco retailers from selling or offering for sale any flavored tobacco product, including mint and menthol. After extensive negotiations, the measure exempts hookah retailers selling flavored shisha tobacco products, sales of premium cigars sold in cigar lounges, loose leaf tobacco, and certain premium cigars. SB 793 specifies that the provisions do not preempt or prohibit local ordinances barring the sale of flavored tobacco products; however, if inconsistency exists between state and local measures, the greater restriction on tobacco access shall prevail.

SB 793 was sponsored by a coalition of individuals and organizations, including Lieutenant Governor Eleni Kounalakis and over 60 lawmakers, Campaign for Tobacco Free Kids, American Lung Association, American Heart Association, American Cancer Society Cancer Action Network, and Common Sense. CHEAC was a proud participant in the coalition and maintained strong support of the measure as it made its way through the legislative process. SB 793 received final legislative approval on Friday morning and was quickly signed into law by Governor Newsom on Friday afternoon.

Yesterday afternoon, a referendum of SB 793 was filed. Even if the referendum were to qualify for the 2022 ballot, SB 793 would be suspended until voters take action.

**Realignment Backfill (SB 115).** The legislature passed SB 115 amending the 2020 Budget Act, which provides further details to the Realignment backfill agreement between counties and the Administration. Please see this brief [write-up](#) for details.

Additional actions taken on bills of interest to CHEAC Members are highlighted below, organized by platform area. A comprehensive list of CHEAC bills, including their final legislative status, is [available here](#).

**COVID-19.** Members of the Legislature introduced several measures to address various aspects of the coronavirus pandemic, including employer requirements, contact tracing, data collection, and personal protective equipment. Below are the measures of note and their status.

**[AB 660 \(Levine\)](#) – WATCH**

*Held on Suspense*

AB 660 by Assembly Member Marc Levine would have specified that data collected for contact tracing purposes could not be used, maintained, or disclosed for any other purpose other than for facilitating contact tracing efforts. The measure would have additionally prohibited law enforcement officials from participating in contact tracing activities. AB 660 was sponsored by the ACLU and was opposed by the Rural County Representatives of California (RCRC) and the California State Sheriffs' Association. The measure was held on the Senate Appropriations Committee Suspense File.

**AB 685 (Reyes) – WATCH WITH CONCERNS**

*To Governor*

AB 685 by Assembly Member Eloise Gómez Reyes would establish various requirements on employers when a COVID-19 exposure occurs within the workplace. Specifically, the measure would require all private and public employers, when notified of a potential COVID-19 exposure, to provide written notice to all employees when they may have been exposed to the virus. Employers would be additionally required to notify appropriate local public health authorities of the names and number of employees, occupation, and worksite who meet the definition of a qualifying individual including a laboratory-confirmed case of COVID-19, positive diagnosis by a licensed healthcare provider, a public health official order to isolate, or a death caused by COVID-19 as determined by a local health department. CHEAC is in a watch with concerns position, and the California State Association of Counties (CSAC) is opposed to the measure. The measure was passed by the Legislature and heads to Governor Gavin Newsom.

**AB 1710 (Wood) – SUPPORT**

*To Governor*

Assembly Member Jim Wood's AB 1710 would allow pharmacists to administer any vaccine approved by U.S. Food and Drug Administration (FDA), so as long as they have completed an immunization training program, be certified in basic life support, and comply with all state and federal recordkeeping and reporting requirements. AB 1710 is intended to enable pharmacists to administer a COVID-19 vaccine once widely available. The measure is now with Governor Gavin Newsom.

**AB 1782 (Chau) – WATCH**

*Held on Suspense*

Similar to AB 660 (Levine) above, AB 1782 by Assembly Member Ed Chau would have set forth requirements for businesses or public health entities offering technology-assisted contact tracing (TACT) services related to data collection, use, maintenance, and disclosure. The measure would have additionally prohibited businesses and public health entities offering TACT services from collecting, using, maintaining, or disclosing data without affirmative consent of the individual to whom the data pertains. Public health entities participating in TACT services would have also been required to purge personal information within 60 days of collection and require any report of exposure to be verified by a healthcare professional or public health entity before notifying individuals who may have been exposed. AB 1782 was introduced amid expanded contact tracing efforts statewide amid the ongoing COVID-19 pandemic, but the measure was held on the Senate Appropriations Committee Suspense File.

**AB 2644 (Wood) – WATCH**

*To Governor*

Assembly Member Jim Wood's AB 2644 would require skilled nursing facilities (SNFs), during a declared emergency due to a communicable disease, to report each disease-related death to the California Department of Public Health (CDPH). CDPH would be required to make available on their website the total number of disease-related deaths in SNFs on a weekly basis. The measure was approved by the Legislature and awaits the signature or veto of Governor Newsom.

**SB 275 (Pan) – WATCH**

*To Governor*

SB 275 by Senator Richard Pan would require the California Department of Public Health (CDPH) to establish a personal protective equipment (PPE) stockpile to ensure an adequate supply of

PPE for health care workers and essential workers. The measure establishes a Personal Protective Equipment Advisory Committee (PPE Advisory Committee) with representatives from hospitals, clinics, counties, and labor unions, among others, and would require certain health care employers to maintain a PPE stockpile based on certain surge consumption thresholds during a pandemic or other health emergency. SB 275 was ultimately approved by the Legislature and heads to Governor Newsom for action.

**SB 932 (Wiener) – WATCH**

*To Governor*

Senator Scott Wiener’s SB 932 would require any electronic tool utilized by local health officers to report communicable disease information to the California Department of Public Health (CDPH) to include the capacity to collect sexual orientation and gender identity data from individuals diagnosed with any reportable communicable disease. Health care providers would be required to report a patient’s sexual orientation and gender identity, if known, to local health officers when reporting any reportable communicable disease. Recall, Senator Scott Wiener, and advocates raised concerns around the lack of data on sexual orientation and gender identity relative to COVID-19 cases. CDPH earlier this summer [issued emergency regulations](#) requiring health care providers to collect data on patient race, ethnicity, gender identity, and sexual orientation for any reportable communicable disease condition. SB 932 was passed by the Legislature and heads to the desk of Governor Newsom.

**Access to Health Services**

**AB 2164 (R. Rivas) – SUPPORT**

*To Governor*

Assembly Member Robert Rivas’ AB 2164 specifies that a federally qualified health center (FQHC) or rural health center (RHC) “visit” includes an encounter between a provider or patient using telehealth in synchronous interaction or asynchronous store-and-forward. The measure additionally specifies billing requirements for FQHC/RHC telehealth services including that nonbillable clinical staff are present and that the patient is at an originating clinic site. The measure was amended on the Senate Appropriations Committee Suspense File to make the bill’s provisions inoperative 180 days after the termination of the COVID-19 state of emergency. The measure heads to the desk of Governor Gavin Newsom.

**Communicable Disease Control**

**AB 2077 (Ting) – SUPPORT**

*To Governor*

AB 2077 by Assembly Member Phil Ting would repeal the Disease Prevention Demonstration Project that allows pharmacies to furnish or sell hypodermic needles or syringes without a prescription in counties or cities that authorize such programs. The measure additionally would repeal existing state statute that requires a prescription for the sale of hypodermic needles or syringes and would extend the sunset date until January 2026. The bill requires pharmacies that furnish nonprescription syringes to provide written information or verbal counseling upon the sale on how to access drug treatment, access testing and treatment for HIV and hepatitis C, and how to safely dispose of sharps. The measure was co-sponsored by the Drug Policy Alliance, the San Francisco AIDS Foundation, and the Health Officers Association of California (HOAC). The measure was passed by the Legislature and now heads to Governor Newsom’s desk.

## **Emergency Medical Services (EMS)**

### **AB 1544 (Gipson) – NEUTRAL**

*To Governor*

AB 1544, authored by Assembly Member Mike Gipson, would allow counties to establish community paramedicine and triage to alternate transport programs, and was revived on the Senate Floor last week with amendments. The most substantive amendments split apart the governance of the community paramedicine aspects of the measure and the triage to alternate destination components. Of note, the bill requires local emergency medical services agencies (LEMSAs) to provide a first right of refusal to any public agency transport provider when establishing a community paramedicine program. If a LEMSA elects to establish a triage to alternate destination program, they must include all ALS providers that operate within the program jurisdiction. The measure allows for an ALS provider to opt out of the program and includes ability for public agencies to contract with private providers and the ability for private providers to enter into agreements with public agencies to provide these services. AB 1544 was passed by the Legislature and now heads to the Governor.

## **Environmental Health**

### **AB 2276 (Reyes) – WATCH**

*To Governor*

AB 2276 by Assembly Member Eloise Gómez Reyes would require a contract between the Department of Health Care Services (DHCS) and Medi-Cal managed care plans to compel health plans on a quarterly basis to identify every child without a record of a blood lead screening test and remind contracting network providers and parents/guardians of tests and risks of childhood lead poisoning. AB 2276 would additionally require health plans to report to DHCS on an annual basis the number of children who have not received a blood lead test. The California Department of Public Health (CDPH) would be required to update its Childhood Lead Poisoning Prevention Program (CLPPP) funding allocation before each contract cycle, and several lead exposure risk factors, including a child's residency in or visit to a foreign country, would be added to CDPH standard of care regulations. AB 2276 follows a [State Auditor report](#) earlier this year finding millions of children in Medi-Cal have not received required testing for lead poisoning, among other notable findings. AB 2276 was passed by the Legislature and is with Governor Newsom.

### **AB 3336 (Carrillo) – WATCH**

*To Governor*

Assembly Member Wendy Carrillo's AB 3336 would require ready-to-eat food delivered through a food delivery platform to be transported in a manner to ensure food is protected from contamination. The measure would require bags and containers used in transporting food to be tamper-evident prior to the food handler taking possession of the food items at the food facility. The measure would further specify that enforcement officers may recover from a third-party food delivery platform reasonable costs associated with enforcing requirements against food handlers. The measure was sponsored by the California Association of Environmental Health Administrators (CAEHA) and is headed to the desk of Governor Newsom.

## Health Coverage/Health Care Reform

### [AB 2100 \(Wood\)](#) – WATCH

*To Governor*

AB 2100 by Assembly Member Jim Wood would require the Department of Health Care Services (DHCS), to establish the Independent Prescription Drug Medical Review System for the outpatient pharmacy benefit. The measure would modify existing Medi-Cal pharmacy benefit statute provisions to ensure DHCS' cost reimbursement methodology for specialty drugs is sufficient to provide access to covered drugs. Last, the measure would disallow DHCS from recouping drug benefit overpayments made from April 2017 to February 2019. AB 2100 was approved by the Legislature and heads to Governor Newsom.

### [SB 406 \(Pan\)](#) – SUPPORT

*To Governor*

Senator Richard Pan's SB 406 is the Senate's health care omnibus measure and includes a handful of health-related items. Notably, the measure would codify in California statute the Affordable Care Act (ACA) requirements that health insurance policies cover preventive services and the ACA prohibition on lifetime or annual limits on health insurance policies. The measure would require the Department of Health Care Services (DHCS) to take action against an unlicensed recovery residence when that residence has an undisclosed contractual relationship, financial interest, or ownership stake with a licensed alcohol or other drug treatment recovery services facility. SB 406 would further remove statutory sunset provisions allowing local registrars to accept an electronic acknowledgement, sworn under penalty of perjury, that the requester of a marriage, birth, or death certificate is an authorized person. SB 406 heads to Governor Newsom for action.

### [SB 852 \(Pan\)](#) – WATCH

*To Governor*

SB 852 by Senator Richard Pan would require the California Health and Human Services (CHHS) Agency to enter partnerships to produce or distribute generic prescription drugs and make the generic prescription drugs widely available to public and private purchasers in California. The measure was significantly narrowed through the Assembly Appropriations Committee Suspense File Process. The measure won approval among the Legislature and awaits action by Governor Newsom.

## Injury Prevention

### [AB 2112 \(Ramos\)](#) – SUPPORT

*To Governor*

AB 2112 by Assembly Member James Ramos would authorize the California Department of Public Health (CDPH) to establish the Office of Suicide Prevention and would task the Office with various activities, including providing information and technical assistance to statewide and regional partners on suicide prevention best practices, conducting state-level evaluation of suicide prevention policies and practices, monitoring and disseminating data to inform suicide prevention efforts at state and local levels, and convening experts and stakeholders. The measure would only become operative upon an appropriation. AB 2112 heads to Governor Newsom for action.

## **Jail and Community Corrections Services**

### **AB 732 (Bonta) – WATCH**

*To Governor*

Assembly Member Rob Bonta's AB 732 would set forth a series of requirements for state prisons and county jails to provide services, accommodations, and supplies to possibly pregnant inmates or inmates capable of becoming pregnant. Requirements would include voluntary pregnancy testing, counseling, scheduling pregnant inmates for regular prenatal care visits, access to specified pregnancy-related products, offering specified inmates medication-assisted treatment (MAT), referral to a medical social worker, transportation to a hospital for birth, care, evaluation, and treatment of existing and newly diagnosed chronic and infectious diseases, and postpartum examinations within one week of childbirth and as needed for up to 12 weeks. The measure would additionally prohibit conditions or restrictions on inmate access to abortion services. AB 732 was approved by the Legislature and awaits action by Governor Newsom.

## **Public Health Emergency Preparedness**

### **AB 3267 (Smith) – WATCH**

*To Governor*

AB 3267 by Assembly Member Christy Smith would require the Office of Emergency Services (OES) to work directly with representatives from the access and functional needs population, including social services agencies, nonprofits, and transportation providers, when updating the State Emergency Plan. AB 3267 was approved by the Legislature and heads to the desk of Governor Newsom.

## **Public Health Workforce**

### **AB 3224 (Rodriguez) – SUPPORT**

*Held on Suspense*

AB 3224 by Assembly Member Freddie Rodriguez was sponsored by CHEAC, the Health Officers Association of California (HOAC), and SEIU California. The measure would have required the California Department of Public Health (CDPH) to contract with an entity to conduct an evaluation of the adequacy of the local health department (LHD) infrastructure and make recommendations for future staffing, workforce needs, and resources to accurately and adequately fund local public health activities. CDPH would have additionally been required to convene an advisory group to oversee the process of selecting an evaluation entity and to provide oversight and technical assistance to the entity. AB 3224 was held on the Senate Appropriations Committee Suspense File.

**Budget Bills.** The Legislature acted on several budget trailer bills as highlighted in the chart below.

<b>Additional 2020-21 Budget Trailer Bills of Interest</b>	
Budget Bill Jr. (August Budget Bill Amendments)	<a href="#">SB 115</a>
General Government August Cleanup	<a href="#">AB 107</a>
Education Finance August Cleanup	<a href="#">SB 820</a>
Worker Leave	<a href="#">AB 1867</a>
Juvenile Justice Realignment	<a href="#">SB 823</a>
Criminal Justice Administrative Fees	<a href="#">AB 1869</a>
Cannabis	<a href="#">AB 1872</a>
CalEITC: ITINs	<a href="#">AB 1876</a>
Homestead Exemption	<a href="#">AB 1885</a>

### **Next Steps**

Governor Newsom has until September 30 to sign or veto bills passed by the Legislature on or before September 1. CHEAC will issue a final bill chart following the September 30 deadline.

### **Questions**

For questions on the items highlighted above or other legislative-related inquiries, please feel free to contact your CHEAC staff via email.