



To: CHEAC General Membership

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RE: 2021 End of Session Memo

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The Legislature concluded the first year of the 2021-22 Legislative Session. This year, legislators introduced 2,775 bills, including 964 and 1,811 bills introduced by the Senate and Assembly, respectively. At the start of this week, over 680 bills awaited legislative action.

Compared to previous years, the end of session was relatively mild. While our memos typically focus on noteworthy actions taken by the Legislature, this year it is important to note key actions that were not taken, including:

**Vaccine Mandate.** Despite Assembly Member Buffy Wick’s intent to introduce legislation that would mandate vaccinations, and rumors that Assembly Member Low would do so – after Wicks faced stalled negotiations - with a narrower scope, no such bills were introduced this year. Assembly Member Wicks has expressed her intent to continue working on the language in hopes of introducing a bill next year.

**Eviction Moratorium.** The Legislature did not extend eviction protection despite the current protections expiring after September 30.

**Bail Reform.** Senator Hertzberg decided to postpone SB 262, a bill that would require state courts to consider a defendant’s ability pay when setting bail. Considering the recent [murder of a Sacramento resident](#), the measure struggled to secure votes. Hertzberg is expected to pursue the bill next year.

**Budget Bills.** Last weekend, the Legislature released over a dozen budget trailer bills, finalizing, and cleaning up investment and implementation details on a wide array of topics as part of the 2021 Budget Act enacted earlier this summer. One such trailer bill is [SB 171](#) on health which provides authorization for home and community-based services (HCBS) under the Medi-Cal program, among other topics. Notably, the health trailer bill does not include provisions related to the agreement between the Legislature and Newsom Administration to provide a minimum of \$300 million annually, beginning in 2022-23, for

public health infrastructure and health equity. Instead, language will be introduced next year as part of the budget negotiations.

Other trailer bills passed this week are noted in the chart below. Relevant summaries and previous budget memos can be found [here](#).

<b>Additional 2021-22 Budget Trailer Bills of Interest</b>	
Budget Bill Jr.	<a href="#">SB 170</a>
Health	<a href="#">SB 171</a>
General Government	<a href="#">AB 163</a>
Cannabis	<a href="#">SB 166</a>
Human Services	<a href="#">AB 172</a>
Housing	<a href="#">AB 175</a>
K-12 Education	<a href="#">AB 167</a>

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](#).

## **ACCESS TO HEALTH SERVICES**

### **[SB 316 \(Eggman\)](#) – SUPPORT**

#### *Inactive File*

Senator Susan Talamantes Eggman’s SB 316 would authorize Medi-Cal reimbursement for a maximum of two visits on the same day at a single FQHC or RHC location if: 1) after the first visit, the patient suffers an illness or injury requiring additional diagnosis or treatment; or 2) the patient has a medical visit and a mental health visit or dental visit. The measure authorizes FQHCs and RHCs to apply for a per-visit rate adjustment for a medical visit and mental health visit occurring on the same day at a single location. The measure was placed on the inactive file at the request of the author.

## **BUILT ENVIRONMENT & CLIMATE CHANGE**

### **[AB 585 \(L. Rivas\)](#) – SUPPORT**

#### *Two-Year Bill*

Assembly Member Luz Rivas’ AB 585 would establish, upon an appropriation by the Legislature, the Extreme Heat and Community Resilience Program within the Office of Planning and Research (OPR). The program would task OPR with coordinating state efforts and supporting local and regional efforts to mitigate the impacts and reduce the public health risks of extreme heat. The measure was held on suspense in the Senate Appropriations Committee in late August, rendering the measure a two-year bill.

## **CANNABIS**

### **[AB 45 \(Aguiar-Curry\)](#) – WATCH**

*To Governor*

AB 45 by Assembly Member Cecilia Aguiar-Curry would allow for the manufacture of dietary supplements, food, beverages, cosmetics, or pet foods that include industrial hemp or cannabinoids under the Sherman Food, Drug, and Cosmetic Law. The measure sets forth a regulatory structure within the California Department of Public Health (CDPH) for the products and requires hemp manufacturers to meet a series of requirements relative to testing, safety, marketing, and sales. AB 45 received final approval from the Legislature this week and now heads to Governor Newsom.

### **[SB 311 \(Hueso\)](#) – WATCH**

*To Governor*

SB 311 by Senator Ben Hueso would require specified health facilities to allow terminally ill patients to use medicinal cannabis within the health facility, subject to restrictions around consumption, documentation, and storage. Senator Hueso attempted to pass a similar measure over the past two years with one version being vetoed by Governor Newsom in 2019 over concerns about running afoul of federal prohibitions on cannabis. SB 311 now heads to the Governor for action.

## **CHRONIC DISEASE PREVENTION & WELLNESS PROMOTION**

### **[AB 619 \(Calderon\)](#) – WATCH**

*To Governor*

Assembly Member Lisa Calderon's AB 619 received final legislative approval this week and now heads to the Governor. AB 619 would require the California Department of Public Health (CDPH) to develop an Air Quality Health Plan with recommendations and guidelines for counties to use in significant air quality events caused by wildfires or other events. The bill requires counties, in advance of the next update to emergency plans, to use the CDPH Air Quality Health Plan to develop a county-specific plan and establish criteria, locations, and effectiveness measures for public respite facilities during poor air quality and other weather-related events.

## **COMMUNICABLE DISEASE CONTROL**

### **[AB 814 \(Levine\)](#) – WATCH**

*Two-Year Bill*

AB 814 by Assembly Member Marc Levine would require that data collected, received, or used for contact tracing purposes not be used, maintained, or disclosed for any purpose other than facilitating contact tracing purposes. The measure would prohibit law enforcement from engaging in contact tracing unless conducting contact tracing among employees of the same law enforcement agency. AB 814 was held on suspense in the Senate Appropriations Committee in late August and is a two-year bill.

**AB 1344 (Arambula) – WATCH**

*To Governor*

AB 1344 by Assembly Member Joaquin Arambula would exempt needle and syringe exchange services application submissions, authorizations, and operations performed from review under the California Environmental Quality Act (CEQA). AB 1344 received final legislative approval last week and heads to the desk of Governor Newsom.

**SB 306 (Pan) – SUPPORT**

*To Governor*

Senator Richard Pan's SB 306 would enact a series of provisions related to sexually transmitted disease (STD) prevention, treatment, and control. The measure would allow pharmacists to provide expedited partner treatment (EPT) for STDs, add EPT treatment and liability protections for providers, and require private and public health insurance coverage to cover home STD kits. SB 306 would also require specified providers to provide syphilis screening and testing and allow HIV counselors to perform specified STD tests. Previous provisions of the measure relative to the Family PACT program were removed during the suspense file process in the Assembly Appropriations Committee. CHEAC is a proud supporter of SB 306. The measure now heads to Governor Newsom for action.

**SB 742 (Pan) – SUPPORT**

*To Governor*

SB 742 by Senator Richard Pan would prohibit a person from knowingly approaching a person at a vaccination site for the purpose of obstructing, injuring, harassing, intimidating, or interfering with that person in connection to any vaccination services. The measure specifies violations are punishable by fines up to \$1,000, imprisonment in a county jail not to exceed six months, or both. SB 742 received final approval this week and awaits action from Governor Newsom.

**SB 744 (Glazer) – OPPOSE UNLESS AMENDED**

*Two-Year Bill*

Senator Steve Glazer's SB 744 would require the California Department of Public Health (CDPH), upon an appropriation by the Legislature, to create a program to provide for expedited release, during a declared public health emergency, of specified health data to researchers of specified institutions of higher education. The measure would also require any electronic tool used by local health officers for reporting communicable disease cases to include the capacity to collect and report data including the type of housing where the patient resides, the number of people in the household where the patient resides, the occupation and workplace of the patient, and a relevant travel history based on the disease course. CHEAC was joined by HOAC in an "oppose unless amended" position on the measure, which was held on the Assembly Appropriations Committee suspense file. The measure has become a two-year bill eligible for action in January 2022.

## COVID-19

### [AB 263 \(Arambula\)](#) – SUPPORT

*To Governor*

AB 263 by Assembly Member Joaquin Arambula would require a private detention facility operator to comply with and adhere to all local and state public health orders and occupational safety and health regulations. CHEAC was joined by HOAC in supporting the measure which received final legislative approval last week and awaits action by Governor Newsom.

### [AB 654 \(Reyes\)](#) – WATCH

*To Governor*

Assembly Majority Leader Eloise Gómez Reyes' AB 654 is a clean-up measure to [AB 685 \(Reyes\)](#) enacted last year relative to COVID-19 protocols in California workplaces. AB 654 would require employers, when giving notice to the local health department of a workplace COVID-19 outbreak, to provide the notice within 48 hours or one business day, whichever is later. The California Department of Public Health (CDPH) would be required to make workplace COVID-19 outbreak and case data information available on their website. Majority Leader Reyes late last week amended AB 654, removing opposition from a coalition of entities including the California State Association of Counties (CSAC) and the California Chamber of Commerce. AB 654 received final legislative approval this week and now heads to Governor Newsom.

### [SB 336 \(Ochoa Bogh\)](#) – WATCH

*To Governor*

SB 336 by Senator Rosalie Ochoa Bogh received final legislative approval this week. The measure requires local health officers or the California Department of Public Health (CDPH), when taking measures to prevent the spread of COVID-19, to have those measure published on their website and to specify the date a change or closure would take effect. CDPH or local health officers would also be required to create an opportunity for local communities, businesses, nonprofits, and individuals to sign up for an email distribution list regarding changes to these orders. SB 336 now awaits action by Governor Newsom.

## DRUG & ALCOHOL SERVICES

### [AB 381 \(Davies\)](#) – SUPPORT

*To Governor*

Assembly Member Laurie Davies' AB 381 would require licensed adult alcoholism or drug use disorder recovery or treatment facilities to administer naloxone hydrochloride, or any opioid antagonist approved by the U.S. Food and Drug Administration (FDA) for treatment of an opioid overdose and have at least one staff member on the premises who knows where the product is stored and is trained in its use. CHEAC proudly supports AB 381 which received final legislative approval last week and awaits action by the Governor.

## ENVIRONMENTAL HEALTH

**AB 1144 (R. Rivas) – WATCH**

*To Governor*

AB 1144 by Assembly Member Robert Rivas would enact a series of modifications to California's cottage food operations (CFOs). The measure would increase gross annual sales limits from \$50,000 to \$75,000 for Class A operations and \$150,000 for Class B operations. Class B operations would be authorized to engage in direct and indirect sales of food products, and Class A operations would be authorized to engage in direct sales statewide. AB 1144 would further specify that a Class A or Class B operation registration or permit from one county shall be sufficient for operation throughout the state. CFOs would be required to renew its registration or permit annually. AB 1144 awaits action by Governor Newsom.

**AB 1276 (Carrillo) – WATCH**

*To Governor*

AB 1276 by Assembly Member Wendy Carrillo would prohibit a food facility from providing to a consumer any single use foodware accessory or standard condiment, unless specifically requested by the consumer. Third-party food delivery platforms would also be required to create a function to allow consumers to request single use foodware accessories. Under the bill, local governments would be required to authorize an enforcement agency to enforce the measure by June 1, 2022. Correctional institutions, health facilities, residential care facilities, and school cafeterias would be exempt from the measure. AB 1276 received final legislative approval this week and now heads to Governor Newsom.

**SB 296 (Limón) – WATCH**

*To Governor*

SB 296 by Senator Monique Limón would require each local jurisdiction that employs code enforcement officers to develop code enforcement officer safety standards. The measure is sponsored by the California Association of Code Enforcement Officers and follows several safety incidents that have occurred amongst enforcement officers statewide. SB 296 was advanced to the Governor by the Legislature last week.

**HEALTH COVERAGE/HEALTH CARE REFORM**

**AB 369 (Kamlager) – SUPPORT**

*To Governor*

Senator Sydney Kamlager's AB 369 would require the California Department of Health Care Services (DHCS) to implement a program of presumptive eligibility for homeless individuals to the extent federal financial participation is available. Medi-Cal managed care plans would be required to reimburse enrolled Medi-Cal providers for services rendered to homeless individuals off the premises of the Medi-Cal provider's office. The measure is sponsored by the Street Medicine Institute, the University of Southern California (USC), and the USC Keck School of Medicine. CHEAC supports AB 369, and the measure awaits action by Governor Newsom.

**SB 326 (Pan) – SUPPORT**

*To Governor*

Senator Richard Pan's SB 326 was advanced by the Legislature to the Governor. SB 326 would eliminate all federal Affordable Care Act (ACA) statutory "tie-backs" by codifying ACA health insurance reforms in California law. Among the reforms included in the measure are coverage for the 10 essential health benefits, guaranteed issues and renewability provisions, prohibitions on imposing preexisting condition exclusions, prohibitions on establishing coverage rules based on certain health status-related factors, and limits on premium variations based on individuals, family size, geographic area, age, and tobacco use.

**SB 428 (Hurtado) – WATCH**

*To Governor*

SB 428 by Senator Melissa Hurtado would require health plans to provide coverage for Adverse Childhood Events (ACEs) screenings. SB 428 received final legislative approval this week and awaits action by Governor Newsom.

**HEALTH EQUITY**

**AB 362 (Quirk-Silva) – WATCH**

*To Governor*

AB 362 by Assembly Member Sharon Quirk-Silva would require each city or county that receives a complaint regarding a homeless shelter to inspect the shelter and take specified actions based on findings. In jurisdictions where complaints are received, the local government is required to submit a report on homeless shelter inspections to the Department of Housing and Community Development (HCD). The measure authorizes HCD or the Business, Consumer Services, and Housing Agency (BCSHA) to deem a shelter owner or operator ineligible for state funding based on findings. AB 362 received final legislative approval this week and awaits action by Governor Newsom.

**AB 1038 (Gipson) – WATCH**

*Two-Year Bill*

AB 1038 by Assembly Member Mike Gipson was designated a two-year bill during the Senate Appropriations Committee suspense file process. AB 1038 would establish the California Health Equity Program within the California Department of Public Health (CDPH) Office of Health Equity for the purpose of awarding competitive grants to community-based organizations (CBOs), community clinics, local health departments, and tribal organizations. A 15-member California Health Equity Fund Oversight and Accountability Committee would also be established to monitor grant activities. AB 1038 is anticipated to come back into play in January 2022 upon the Legislature's return to Sacramento.

**AB 1407 (Burke) – SUPPORT**

*To Governor*

AB 1407 by Assembly Member Autumn Burke would require schools of nursing and nursing programs to include direct participation in one hour of implicit bias training as a requirement for graduation. Nurse licensees, beginning in January 2023, would be required to complete one-hour of direct participation in an implicit bias course within the first two years of holding their license. Further, the measure would require hospitals to implement an evidence-based implicit bias program as part of its new graduate training program that hires and trains new nursing graduates. AB 1407 received final legislative approval last week and now awaits action by Governor Newsom.

**SB 682 (Rubio) – SUPPORT**

*To Governor*

Senator Susan Rubio's SB 682 would establish the End Racial Inequities in Children's Health in California Initiative (EnRICH CA Initiative) and require the California Health and Human Services (CHHS) Agency, subject to an appropriation by the Legislature, to convene an advisory workgroup to develop and implement a plan to reduce racial disparities in childhood chronic diseases by 50 percent by December 2030. CHEAC is listed as a required stakeholder to be involved in the advisory workgroup, along with other chronic disease experts and children's advocates. SB 682 received final legislative approval and was advanced to the desk of Governor Newsom.

**INJURY PREVENTION**

**AB 118 (Kamlager) – WATCH**

*To Governor*

AB 118 by Senator Sydney Kamlager would establish the Community Response Initiative to Strengthen Emergency Systems (CRISES) Act Grant Pilot Program within the California Department of Social Services (CDSS), contingent upon an appropriation by the Legislature, to create and strengthen community-based alternatives to law enforcement responses. CDSS would be required to award grants to eligible entities based on criteria developed in partnership with a stakeholder group. The measure is sponsored by a large coalition of community-based organizations and racial justice entities. A similar bill was vetoed by Governor Newsom last year over concerns with the appropriateness of the implementing agency, which was proposed to be the California Governor's Office of Emergency Services (CalOES). AB 118 received final legislative approval this week and now heads to Governor Newsom.

**MATERNAL, CHILD, & ADOLESCENT HEALTH SERVICES**

**SB 65 (Skinner) – SUPPORT**

*To Governor*

SB 65 by Senator Nancy Skinner would enact a series of policy changes relative to maternal care and services. Of most interest to local health departments, SB 65 would establish the Maternal Morbidity Review Committee to replace the California Pregnancy-Associated Mortality Review

Committee and set forth roles and responsibility of the committee relative to maternal morbidity and mortality. The measure would also require counties to annually report infant deaths to the local health department and would require local health departments, upon an appropriation by the Legislature, to establish a Fetal and Infant Mortality Review (FIMR) Committee to investigate and prevent fetal and infant deaths if the county has five or more infant deaths in one year or if the county has a death rate higher than the state's death rate for two consecutive years. Local health departments participating in the CDPH FIMR process would be required to annually investigate, track, and review a minimum of 20 percent of infant deaths, establish a review committee consisting of community members, conduct interviews and/or reports/investigations, and offer grief counseling to surviving family members.

CHEAC worked diligently with the author and sponsors to ensure adequate resources are made available for local health department FIMR activities. We were previously in a "support if amended" position on the measure. The bill was amended through the Assembly Appropriations Committee suspense file process to add a funding contingency clause to local health department FIMR activities, allowing CHEAC to move to a support position on the bill. SB 65 received final legislative approval this week and heads to Governor Newsom for action.

## **PUBLIC HEALTH EMERGENCY PREPAREDNESS**

### **[AB 1207 \(Weber\)](#) – SUPPORT**

*To Governor*

AB 1207 by Assembly Member Akilah Weber would establish the Pathways Through Pandemics Task Force within the California Health and Human Services (CHHS) Agency to study lessons learned from the COVID-19 pandemic and to develop strategies to navigate future pandemics. The measure specifies membership of the task force, including representatives from the California Department of Public Health (CDPH) Office of Health Equity, CHEAC, CCLHO, and urban and rural counties. The task force would be authorized to hold hearings and request the attendance and testimony of witnesses. AB 1207 awaits action by Governor Newsom.

### **[SB 52 \(Dodd\)](#) – WATCH**

*To Governor*

SB 52 by Senator Bill Dodd would define deenergization as a planned power outage. The measure would also add a deenergization event as a condition qualifying as a state or local emergency in statute. SB 52 awaits action by Governor Gavin Newsom.

## **PUBLIC HEALTH INFRASTRUCTURE**

### **[AB 240 \(Rodriguez\)](#) – SPONSOR**

*Two-Year Bill*

Assembly Member Freddie Rodriguez's AB 240 would require the California Department of Public Health (CDPH) to contract with an appropriate and qualified entity to conduct an evaluation of the adequacy of the local health department infrastructure to make recommendations for future

staffing, workforce, and resource needs to adequately fund local public health departments. AB 240 is sponsored by CHEAC, HOAC, SEIU California, the Urban Counties of California (UCC), the Rural County Representatives of California (RCRC), and Public Health Advocates. AB 240 was designated as a two-year bill and is eligible to be acted upon during the Legislature's return in January 2022.

## **TOBACCO CONTROL**

### **AB 541 (Levine) – SUPPORT**

*Chapter 150, Statutes of 2021*

AB 541 by Assembly Member Marc Levine would require alcoholism and substance use disorder facilities licensed by the California Department of Health Care Services (DHCS) to assess each patient or client for tobacco use at the time of initial intake. If tobacco use disorder is identified, the facility or program would be required to provide specified information, including an or referral for tobacco use disorder treatment. AB 541 was approved by the Legislature and signed into law by Governor Newsom.

### **SB 395 (Caballero) – SUPPORT**

*To Governor*

Senator Anna Caballero's SB 395 would impose a 12.5 percent on the retail sale of electronic cigarettes in California. Revenues generated from the proposed tax would be allocated in the following ways: 18 percent to Proposition 99 tobacco control programs, 12 percent to Proposition 10 (First Five), and 48 percent to Proposition 56 Medi-Cal provider loan repayment program, five percent to the Health Careers Opportunity Grant Program, seven percent to the University of California to support medical education in the San Joaquin Valley, and 10 percent to the Small and Rural Hospital Relief Fund for seismic retrofits in small and rural hospitals. CHEAC, along with CSAC, support SB 395. The measure received final legislative approval last week and awaits action by Governor Newsom.

## **VITAL STATISTICS**

### **AB 751 (Irwin) – SUPPORT**

*To Governor*

Assembly Member Jacqui Irwin's AB 751 would remove the sunset provision in statute 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. Local officials would be required to accept electronic verification authenticating the identity of the applicant whenever requests for documents are made. AB 751 is sponsored by the County Clerks Association and awaits action by Governor Newsom.

### **Next Steps**

Governor Newsom has until October 10 to sign or veto bills passed by the Legislature on or before September 10. CHEAC will issue a final bill chart following the October 10 deadline.

**Questions**

For questions on the items highlighted above or other legislative-related inquiries, please feel free to contact CHEAC staff via email or the CHEAC office at (916) 327-7540.