

## Lobbying the California Legislature

### CNOA LEGISLATIVE REPORT 3/23/2010

**AB 417** (Beall [D] ) Medi-Cal Drug Treatment Program: buprenorphine pilot program. (A-03/15/2010 [html](#) [pdf](#))

**Status:** 03/15/2010-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

**Current Location:** 03/15/2010-S APPR.

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. This bill would establish a buprenorphine medication assisted treatment pilot program under Drug Medi-Cal, commencing January 1, 2011, and concluding December 31, 2016, for the purpose of determining the efficacy of buprenorphine in treating opioid addiction. This bill would require all narcotic treatment programs participating in the pilot program to operate in accordance with prescribed requirements. This bill contains other related provisions and other existing laws.

Assigned	Position
ALLEN	Support in Principle

**AB 564** (Portantino [D] ) Substance abuse treatment: prohibition of excessive salaries. (A-09/01/2009 [html](#) [pdf](#))

**Status:** 09/09/2009-Read third time, passage refused. (Ayes 20. Noes 5. Page 2346.) Motion to reconsider made by Senator Yee. Reconsideration granted. (Ayes 40. Noes 0. Page 2347.)

**Current Location:** 09/09/2009-S THIRD READING

**Calendar Events:** 03/25/10 25 SEN ASSEMBLY BILLS-THIRD READING FILE

**Summary:** Existing law, the Substance Abuse and Crime Prevention Act of 2000, was enacted by the voters at the November 2000 general election. Amendment of the act by the Legislature requires a 2/3 vote of both houses of the Legislature. The act requires all amendments to further the act and be consistent with its purposes. The act creates a Substance Abuse Treatment Trust Fund to provide moneys to cover county costs associated with drug treatment programs, as specified. The act also requires annual and long-term effectiveness and financial

impact studies on the programs funded by the act as well as periodic audits of the expenditures. Existing law places certain conditions on the allocation of state funds to entities, whether public or private, for drug- or alcohol-related programs and requires state agencies that distribute state funds to these entities to establish and provide guidelines and procedures for these entities to use to ensure compliance with those conditions. This bill would establish a limitation on the amount of compensation a director, officer, or employee of a substance abuse treatment facility may receive from public sources, not to exceed a certain federal compensation limitation, and establish specified compensation requirements for any director, officer, or employee who collects rent from a drug treatment facility. The bill would require these restrictions on compensation to be terms of any contract entered into in the state to provide drug treatment if, under that contract, public funds are to be used to provide the drug treatment. Because this bill would establish restrictions on the distribution of funds from the Substance Abuse Treatment Trust Fund, it would amend the Substance Abuse and Crime Prevention Act of 2000 and therefore would require a 2/3 vote of both houses of the Legislature.

**Position**  
Watch

**AB 674** (Salas [D] ) **Criminal procedure: veterans.** (A-01/25/2010 [html](#) [pdf](#))  
**Status:** 02/11/2010-Referred to Com. on PUB. S.  
**Current Location:** 02/11/2010-S PUB. S.

**Summary:** Existing law provides that if a person is convicted of a criminal offense and alleges that he or she committed the offenses as a result of post-traumatic stress disorder, substance abuse, or psychological problems stemming from service in combat in the United States military, the court shall hold a hearing prior to sentencing to make a determination about the allegation. If the court finds that the defendant's crime was committed as a result of one of those factors related to serving in combat, and the court places the person on probation, existing law authorizes the court to place the person into a treatment program, as specified. This bill would instead, if the defendant alleges that her or she committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from military service in the United States military, require the court to make a determination as to whether a defendant was, or currently is, a member of the United States military, and would authorize the court to request through the use of existing resources an assessment of whether the defendant may be suffering from those disorders. The bill would eliminate the requirement that the offense be committed as a result of problems stemming from service in a combat theater. This bill contains other related provisions and other existing laws.

**Assigned Position**  
ALLEN Oppose

**AB 1198**(Swanson [D] ) **Food stamps: eligibility: drug felonies.** (1-02/27/2009 [html](#) [pdf](#))  
**Status:** 08/27/2009-In committee: Held under submission.  
**Current Location:** 08/27/2009-S APPR. SUSPENSE FILE

**Summary:** Existing law provides for the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law provides that a person convicted of a drug-related felony, with certain exceptions, is eligible for aid under the Food Stamp Program, if specified drug treatment conditions are met. This bill would remove the limitation that excepts certain drug-related felonies from these provisions. This bill contains other related provisions and other existing laws.

**Position**

Oppose

**[AB 1414](#)** (Hill [D] ) **Controlled substances: apomorphine: unscheduled.** (A-03/08/2010 [html](#) [pdf](#))

**Status:** 03/08/2010-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on PUB. S.

**Current Location:** 03/08/2010-S PUB. S.

**Summary:** Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law places apomorphine within Schedule II. This bill would remove apomorphine from Schedule II of the California Uniform Controlled Substances Act and make it an unscheduled substance .

**Position**

Support in  
Principle

**[AB 1455](#)** (Hill [D] ) **Ephedrine: retail sale.** (A-01/19/2010 [html](#) [pdf](#))

**Status:** 01/19/2010-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on PUB. S.

**Current Location:** 01/19/2010-S PUB. S.

**Summary:** Existing law classifies controlled substances into 5 schedules, with the most restrictive limitations placed on controlled substances classified in Schedule I, and the least restrictive limitations placed on controlled substances classified in Schedule V. A controlled substance in any of the schedules may be possessed or dispensed only upon a lawful prescription, as specified. Existing law does not classify ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine within any of these 5 schedules, but provides that it is a crime, punishable as specified, for a person in this state who engages in specified transactions involving those drugs to fail to submit a report to the Department of Justice of all of those transactions, or to fail to submit an application to, and obtain a permit for the conduct of that business from, the Department of Justice, as specified. Existing law prohibits the sale of more than 3 packages or 9 grams of a nonprescription product containing ephedrine or the other drugs, as specified. This bill would instead provide that it is a misdemeanor, punishable as specified, for

any retail distributor, except pursuant to a valid prescription from a licensed practitioner with prescriptive authority, to sell or distribute to a person specified amounts of nonprescription products containing ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine within specified time limits, to sell or distribute any of those substances to a person whose information has generated an alert, or, except under specified conditions, to sell or distribute to any purchaser a nonprescription product containing any amount of those substances. The bill would contain provisions requiring the secure storage of products containing any amount of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine and providing for the creation of an electronic authorization and monitoring system for the collection of, access to, and sharing of information regarding these transactions, as specified. The bill would provide that the information in the system may not be used for any purpose other than to meet the requirements of, or comply with, this act or a certain federal act, as specified. The bill would specify legislative findings, declarations, and intent. The bill's provisions would remain in effect only until January 1, 2017. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

<b>Assigned</b>	<b>Position</b>
LOVELL	Oppose

**AB 1598** (Beall [D] ) **Alcoholic beverages: caffeinated malt beverages.** (A-03/02/2010 [html](#) [pdf](#))

**Status:** 03/03/2010-Re-referred to Com. on G.O.

**Current Location:** 03/03/2010-A G.O.

**Calendar Events:** 04/07/10 1:30 p.m. - State Capitol, Room 4202 ASM GOVERNMENTAL ORGANIZATION

**Summary:** The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. This bill would prohibit the import, production, manufacture, distribution, or sale of caffeinated malt beverages, as defined, at retail locations within the state. This bill would provide for either the imposition of a monetary fine or suspension of the licensee's license for first and 2nd violations of this prohibition and for revocation of the licensee's license for a 3rd violation. This bill contains other related provisions.

<b>Position</b>
Support in Principle

**AB 1601** (Hill [D] ) **Vehicles: driving under the influence: repeat offenders.** (A-02/04/2010 [html](#) [pdf](#))

**Status:** 02/08/2010-Re-referred to Com. on PUB. S.

**Current Location:** 02/08/2010-A PUB. S.

**Calendar Events:** 03/23/10 9 a.m. - State Capitol, Room 126 ASM PUBLIC SAFETY

**Summary:** (1) Existing law requires, if a person is convicted of a specified driving

under the influence (DUI) offense and the offense occurred within 10 years of 2, or 3 or more , prior specified DUI offenses that resulted in a conviction, that the person be punished by enhanced penalties, and that the person's privilege to operate a motor vehicle be revoked by the department for a period of 2, 3, 4, or 5 years, as applicable. This bill would delete the 10-year limitation. This bill contains other related provisions and other existing laws.

**Position**  
Support If  
Amended

**[AB 1607](#)** (Knight [R] ) **Public housing authority program: fraud.** (I-01/07/2010 [html](#) [pdf](#))

**Status:** 03/16/2010-In committee: Set second hearing. Failed passage. Reconsideration granted.

**Current Location:** 01/14/2010-A PUB. S.

**Summary:** Existing law provides that anyone who defrauds a housing program of a public housing authority of more than \$400 is guilty of grand theft. This bill would provide, in addition, that any public housing authority may require that any application or document filed with the public housing authority be signed and submitted under penalty of perjury. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

**[AB 1661](#)** (Nielsen [R] ) **Burglary.** (I-01/19/2010 [html](#) [pdf](#))

**Status:** 03/18/2010-Set, second hearing. Hearing cancelled at the request of author. (Refers to 3/23/2010 hearing)

**Current Location:** 01/27/2010-A PUB. S.

**Calendar Events:** 03/23/10 Anticipated Hearing ASM PUB. S.

**Summary:** Existing law establishes the offense of burglary, which consists of entering specified buildings, places, or vehicles with the intent to commit grand or petit larceny, or any felony. This bill would expand the scope of that offense to include entry to those buildings, places, or vehicles with the intent to willfully resist, delay, or obstruct any public officer or peace officer in the discharge or attempted discharge of any duty of his or her office or employment. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

**[AB 1678](#)** (Lieu [D] ) **Prisoners: release and recidivism.** (I-01/25/2010 [html](#) [pdf](#))

**Status:** 01/26/2010-From printer. May be heard in committee February 25.

**Current Location:** 01/25/2010-A PRINT

**Summary:** Existing law provides generally for the release of prisoners from the state's prison system. This bill would state the intent of the Legislature to later

amend this bill to enact provisions that would prohibit the California Department of Corrections and Rehabilitation (CDCR) from releasing prisoners who have committed, or intend to commit, certain specified crimes; to require the CDCR to notify local law enforcement with certain specified information regarding released prisoners; and to require the CDCR to provide a list of crimes committed by prisoners being released early on the CDCR's Internet Web site.

**Position**

Support

**AB 1700** (Gaines [R] ) **Sales and use taxes: vehicle license fee: income taxes.** (I-02/01/2010 [html](#) [pdf](#))

**Status:** 02/11/2010-Referred to Com. on REV. & TAX.

**Current Location:** 02/11/2010-A REV. & TAX

**Calendar Events:** 04/12/10 1:30 p.m. - State Capitol, Room 126 ASM REVENUE AND TAXATION

**Summary:** The Sales and Use Tax Law imposes a state sales and use tax on retailers and on the storage, use, or other consumption of tangible personal property in this state at the rate of 6 1/4% of the gross receipts from the retail sale of tangible personal property in this state and of the sales price of tangible personal property purchased from any retailer for storage, use, or other consumption in this state. That law, until July 1, 2011, increases the state sales and use tax rate by 1% to a rate of 7 1/4%. This bill would repeal the additional 1% state sales and use tax rate on the first day of the first calendar quarter commencing more than 90 days after the effective date of this bill. This bill contains other related provisions and other existing laws.

**Position**

Oppose

**AB 1701** (Chesbro [D] ) **Hypodermic needles and syringes.** (I-02/01/2010 [html](#) [pdf](#))

**Status:** 02/11/2010-Referred to Com. on HEALTH.

**Current Location:** 02/11/2010-A HEALTH

**Calendar Events:** 03/23/10 1:30 p.m. - State Capitol, Room 4202 ASM HEALTH

**Summary:** Existing law regulates the sale, possession, and disposal of hypodermic needles and syringes. Under existing law, a prescription is required to purchase a hypodermic needle or syringe for human use, except to administer adrenaline or insulin. This bill would delete the December 31, 2010, end dates for these authorizations and would thereby reestablish these authorizations indefinitely. This bill contains other existing laws.

**Position**

Oppose

**AB 1706** (Ammiano [D] ) **Criminal procedure: narcotics and drug abuse cases.** (I-02/01/2010 [html](#) [pdf](#))

**Status:** 03/17/2010-Read second time. To third reading.

**Current Location:** 03/17/2010-A THIRD READING

**Calendar Events:** 03/25/10 18 ASM ASSEMBLY THIRD READING FILE

**Summary:** Existing law provides that entry of judgment may be deferred with respect to defendants who are charged with certain enumerated crimes and meet certain criteria, including no prior convictions for any offense involving controlled substances and no prior felony convictions within the prior 5 years, as specified. Existing law requires the prosecuting attorney to review his or her file to determine whether those conditions apply to the defendant and, if the defendant is found ineligible for deferred entry of judgment, to file with a court a declaration stating the grounds upon which the determination is based. This bill would authorize the court, at the defendant's request, to review the prosecuting attorney's determination of ineligibility and would further authorize the court to make the final determination, as specified. This bill contains other related provisions.

**Position**

Oppose

**[AB 1811](#)** (Ammiano [D] ) **Drug paraphernalia.** (A-03/09/2010 [html](#) [pdf](#))

**Status:** 03/10/2010-Re-referred to Com. on PUB. S.

**Current Location:** 03/10/2010-A PUB. S.

**Calendar Events:** 03/23/10 9 a.m. - State Capitol, Room 126 ASM PUBLIC SAFETY

**Summary:** Existing law makes it a crime to possess, deliver, furnish, or transfer drug paraphernalia, as specified, or to loiter in any public place with the intent to engage in drug-related activity, which intent may be shown by the possession of drug paraphernalia, and requires a business that keeps, displays, or offers drug paraphernalia to meet specified requirements with respect to minors and drug paraphernalia or be subject to the revocation, nonrenewal, or denial of a local business license, as specified. "Drug paraphernalia" is defined for purposes of these provisions to include objects designed or marketed for use in various activities relating to the production, sale, and consumption of specified controlled substances, including the ingesting, inhaling, or otherwise introducing of those controlled substances into the human body. Existing law also lists specified items which are included in the definition of "drug paraphernalia." This bill would revise the definition of "drug paraphernalia" to refer to those same objects when designed or marketed for use in the unlawful conduct of those acts, including the unlawful ingesting, inhaling, or other introduction of those controlled substances into the human body. This bill would delete the lists of specified items included in the definition of "drug paraphernalia" and make conforming changes to related provisions.

**Position**

Oppose

**[AB 1822](#)** (Swanson [D] ) **Massage therapy.** (I-02/11/2010 [html](#) [pdf](#))

**Status:** 02/25/2010-Referred to Coms. on B. & P. and PUB. S.

**Current Location:** 02/25/2010-A B. & P.

**Summary:** Existing law, until January 1, 2016, provides for the voluntary certification of massage practitioners and massage therapists by a nonprofit Massage Therapy Organization, as defined, and imposes certain duties on that organization. Existing law, until January 1, 2016, requires an applicant for

certification to be 18 years of age or older, to meet specified educational criteria, to provide specified information to the organization, to provide fingerprints for submission by the organization to the Department of Justice for state and federal criminal background checks, and to pay the fees required by the organization. Existing law requires the Department of Justice to conduct a criminal background check on every applicant and to provide to the organization fitness determinations and certain other information regarding an applicant. Existing law, until January 1, 2016, allows the organization to take certain disciplinary action against certificate holders and requires the organization to take certain action with regard to suspending or revoking a certificate if the certificate holder has been arrested for, and charged with, specified sex-related crimes. Existing law makes it an unfair business practice for a person to state, advertise, or represent that he or she is certified or licensed by a governmental agency as a massage therapist or practitioner, or to make other false representations, as specified. Existing law prohibits a city, county, or city and county from enacting an ordinance that requires a certificate holder to obtain any other license, permit, or other authorization to engage in the practice of massage. Notwithstanding that prohibition, existing law authorizes a city, county, or city and county to adopt and enforce any local ordinance governing zoning, business licensing, and reasonable health and safety requirements for massage establishments or businesses. Existing law also exempts from certain local regulations sole proprietorships, as defined, and massage establishments or businesses that only employ persons who are certified. This bill would, until January 1, 2016, require any person who administers massage for compensation to be certified by the nonprofit Massage Therapy Organization or certified, registered, or licensed by a city, county, or city and county. On and after January 1, 2016, the bill would require any person who administers massage for compensation to be certified, registered, or licensed by a city, county, or city and county, which certification, registration, or licensure would be administered and regulated by the city, county, or city and county for a specified fee, thereby imposing a state-mandated local program. The bill would also authorize a city, county, or city and county to require any person who administers massage or who owns a massage establishment or business to hold a business license or massage establishment permit or both. The bill would provide that a failure to comply with those provisions is a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Support

**[AB 2145](#)** (Ammiano [D] ) **Drug overdose treatment: liability.** (I-02/18/2010 [html](#) [pdf](#))

**Status:** 03/18/2010-Referred to Com. on JUD.

**Current Location:** 03/18/2010-A JUD.

**Calendar Events:** 04/06/10 9 a.m. - State Capitol, Room 4202 ASM JUDICIARY

**Summary:** Existing law authorizes a physician and surgeon to prescribe, dispense, or administer prescription drugs, including prescription-controlled substances, to an addict under his or her treatment, as specified. Existing law prohibits, except in the regular practice of his or her profession, any person from knowingly prescribing, administering, dispensing, or furnishing a controlled

substance to or for any person who is not under his or her treatment for a pathology or condition other than an addiction to a controlled substance, except as specified. This bill would delete that reporting requirement. The bill would expand the provisions to apply statewide and would also delete the repeal date, thereby extending these provisions indefinitely. This bill contains other related provisions and other existing laws.

**Position**

Watch

**[AB 2221](#)** (Beall [D] ) **Substance abuse: treatment facilities.** (I-02/18/2010 [html](#) [pdf](#))

**Status:** 03/11/2010-Referred to Com. on HEALTH.

**Current Location:** 03/11/2010-A HEALTH

**Calendar Events:** 04/13/10 1:30 p.m. - State Capitol, Room 4202 ASM HEALTH

**Summary:** Existing law provides for the licensure, certification, and regulation of alcoholism or drug use recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. These facilities are defined to mean any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services. This bill would revise the above-described definition to also include any premises, place, or building that provides a program, accredited by a nationally recognized accrediting organization, that uses a multidisciplinary team to provide 24-hour residential medical services that do not require a health facility license to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

**[AB 2254](#)** (Ammiano [D] ) **Marijuana Control, Regulation, and Education Act.** (I-02/18/2010 [html](#) [pdf](#))

**Status:** 03/11/2010-Referred to Coms. on PUB. S. and HEALTH.

**Current Location:** 03/11/2010-A PUB. S.

**Summary:** Existing state law provides that every person who possesses, sells, transports, or cultivates marijuana, concentrated cannabis, or derivatives of marijuana, except as authorized by law, is guilty of one or more crimes. This bill would remove marijuana and its derivatives from existing statutes defining and regulating controlled substances. It would instead provide for regulation by the Department of Alcoholic Beverage Control of the possession, sale, cultivation, and other conduct relating to marijuana and its derivatives, not including medical marijuana, by persons 21 years of age and older, for specified purposes. It would set up a wholesale and retail marijuana sales regulation program to be administered and enforced by the department, that imposes special fees to fund drug abuse prevention programs, as specified, to commence after regulations concerning the program have been issued by the department. It would ban local and state assistance in enforcing inconsistent federal and other laws relating to marijuana, and would provide specified infraction penalties for violations of these

new marijuana laws and regulations, as specified. The bill would make existing prohibitions against the smoking of tobacco products in specified areas, including public offices and restaurants, applicable to the smoking of marijuana products. It would make other conforming changes. This bill contains other related provisions and other existing laws.

**Position**

Oppose

**[AB 2268](#)** (Chesbro [D] ) **Alcohol and drug abuse.** (I-02/18/2010 [html](#) [pdf](#))

**Status:** 03/11/2010-Referred to Com. on HEALTH.

**Current Location:** 03/11/2010-A HEALTH

**Calendar Events:** 04/06/10 1:30 p.m. - State Capitol, Room 4202 ASM HEALTH

**Summary:** Existing law, with certain exceptions, requires any narcotic controlled substance employed in treating an addict for addiction to be administered by a physician and surgeon, a registered nurse acting under the instruction of a physician and surgeon, or a licensed physician assistant acting under the patient-specific authority of his or her physician and surgeon supervisor, as specified. Existing law prohibits a person from treating an addict for addiction to a narcotic drug except in specified locations, including, a facility licensed by the State Department of Alcohol and Drug Programs, as specified. This bill would authorize a physician and surgeon who is registered with the federal Attorney General to dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment pursuant to a specified federal law to dispense narcotic drugs pursuant to this federal law. This bill contains other existing laws.

**[AB 2319](#)** (Swanson [D] ) **Human trafficking: minors.** (I-02/19/2010 [html](#) [pdf](#))

**Status:** 03/11/2010-Referred to Com. on PUB. S.

**Current Location:** 03/11/2010-A PUB. S.

**Summary:** Existing law provides that any person who deprives or violates the personal liberty of another with the intent to effect or maintain certain felonies, or to obtain forced labor or services, is guilty of human trafficking. This bill would provide in addition that depriving or violating a person's liberty with the intent to effect or maintain the provision of a person under the age of 16 to another person for the purpose of any lewd or lascivious act, or the procurement of minors in the preparation of material depicting sexual conduct by a minor, constitutes human trafficking. This bill contains other related provisions and other existing laws.

**Position**

Support in

Principle

**[AB 2392](#)** (Torrice [D] ) **Parole: substance abuse programs.** (I-02/19/2010 [html](#) [pdf](#))

**Status:** 02/22/2010-Read first time.

**Current Location:** 02/19/2010-A PRINT

**Summary:** Existing law provides that any inmate under the custody of the Department of Corrections and Rehabilitation who is not currently serving and has

not served a sentence for certain crimes, who has successfully completed an in prison drug treatment program, upon release from state prison, shall, whenever possible, be entered into a residential aftercare drug treatment program, as specified. This bill would make a nonsubstantive change to that provision.

**Position**

Watch

**[AB 2548](#) (Block [D] ) CURES: Prescription Drug Monitoring Program. (1-02/19/2010 [html](#) [pdf](#))**

**Status:** 03/18/2010-Referred to Com. on PUB. S.

**Current Location:** 03/18/2010-A PUB. S.

**Summary:** Existing law, the Uniform Controlled Substances Act, provides for the electronic monitoring and reporting of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances pursuant to the Controlled Substance Utilization Review and Evaluation System (CURES) program. The act further provides that in order to prevent the inappropriate, improper, or illegal use of Schedule II, Schedule III, or Schedule IV controlled substances, the Department of Justice may initiate the referral of the history of controlled substances dispensed to an individual based on data contained in CURES to licensed health care practitioners, pharmacists, or both, providing care or services to the individual. A violation of any of these provisions is a misdemeanor, punishable as specified. This bill would establish the Prescription Drug Monitoring Program (PDMP) in state government under the Department of Justice to monitor any practitioner or pharmacist (PDMP subscriber) who has obtained approval, as specified, to access, using the Internet, the electronic history of controlled substances dispensed to an individual under his or her care based on data contained in CURES, as well as the number, amount, and type of controlled substances being dispensed to an individual under his or her care, in order to control the diversion and resultant abuse of, and to ensure the safe and lawful dispensing of, Schedule II, Schedule III, and Schedule IV controlled substances. This bill would provide that the Department of Justice may establish, by regulation, a system for the issuance to a PDMP subscriber of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the department, if the subscriber is in violation of any provision of, or any regulation adopted by the department pursuant to, the Uniform Controlled Substances Act. This bill would further provide that the theft or loss of prescription information or prescription forms shall be reported, as specified, no later than 3 days after the discovery of the theft or loss. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**[SB 364](#) (Florez [D] ) Health facilities: cancer centers. (A-08/31/2009 [html](#) [pdf](#))**

**Status:** 09/08/2009-Reconsideration granted. (Page 3057.) Placed on inactive file on request of Assembly Member Torrico.

**Current Location:** 09/08/2009-A INACTIVE FILE

**Summary:** Under existing law, the State Department of Public Health is responsible for licensing and regulating health facilities, including general acute

care hospitals. Violation of these provisions is a crime. This bill would prohibit an officer, director, or member of a governing board of a general acute care hospital that is designated by the National Cancer Institute as a comprehensive cancer center and that accepts state funds from holding a position as an officer, director, or member of a governing board of a corporation that either manufactures or sells tobacco products, as defined, or that has, within the past 5 years, violated federal or state controlled substances laws or regulations. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Support

**SB 408** (Padilla [D] ) **Body armor.** (A-01/26/2010 [html](#) [pdf](#))

**Status:** 02/04/2010-To Com. on PUB. S.

**Current Location:** 02/04/2010-A PUB. S.

**Summary:** Existing law provides that any person who has been convicted of a violent felony who purchases, owns, or possesses body armor, as defined in the California Code of Regulations, except as authorized, is guilty of a felony, punishable by imprisonment in a state prison for 16 months or 2 or 3 years. However, the court, in *People v. Saleem* (Cal.App. 2nd Dist., Dec. 17, 2009, B204646), held that this provision is unconstitutionally vague in violation of due process. This bill would change the definition of "body armor" for purposes of this provision to mean any bullet-resistant material intended to provide ballistic and trauma protection for the person wearing the body armor. By expanding the scope of an existing crime, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Support

**SB 484** (Wright [D] ) **Ephedrine and pseudoephedrine.** (A-05/12/2009 [html](#) [pdf](#))

**Status:** 06/30/2009-Set, second hearing. Failed passage in committee.

Reconsideration granted.

**Current Location:** 06/30/2009-A APPR.

**Summary:** Existing law classifies controlled substances into 5 schedules, with the most restrictive limitations placed on controlled substances classified in Schedule I, and the least restrictive limitations placed on controlled substances classified in Schedule V. A controlled substance in any of the schedules may be possessed or dispensed only upon a lawful prescription, as specified. Existing law does not classify ephedrine, pseudoephedrine, and specified related drugs within any of these 5 schedules, but provides that it is a crime, punishable as specified, for a person in this state who engages in specified transactions involving those drugs to fail to submit a report to the Department of Justice of all of those transactions, or to fail to submit an application to, and obtain a permit for the conduct of that business from, the Department of Justice, as specified. This bill would provide , in addition, that any person who obtains ephedrine, pseudoephedrine, and specified related drugs without a prescription, as specified, shall be guilty of an infraction or a misdemeanor. The bill would make conforming changes to related provisions. By

creating new crimes or revising the penalties for existing crimes involving ephedrine, pseudoephedrine, and specified related drugs, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

<b>Assigned</b>	<b>Position</b>	<b>Priority</b>
ROYER	Support	Co-Sponsor

**SB 839** (Runner [R] ) **Emergency Alert System: law enforcement officers.** (A-02/24/2010 [html](#) [pdf](#))

**Status:** 03/11/2010-Set for hearing March 23.

**Current Location:** 02/24/2010-S PUB. S.

**Calendar Events:** 03/23/10 9:30 a.m. - Room 3191 SEN PUBLIC SAFETY

**Summary:** Existing law requires the California Highway Patrol to activate the Emergency Alert System at the request of an authorized person at a law enforcement agency if a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and other conditions are met. This bill would require the California Highway Patrol, at the request of an authorized person at a law enforcement agency, to activate the Emergency Alert System and issue a blue alert, as defined, if a law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, the suspect has fled the scene of the offense, and other specified conditions are met. This bill would also require the California Highway Patrol to include information describing blue alerts on its Internet Web site.

**Position**  
Support

**SB 877** (Harman [R] ) **Arbitration: legal representation.** (A-03/08/2010 [html](#) [pdf](#))

**Status:** 03/17/2010-Re-referred to Com. on JUD.

**Current Location:** 03/17/2010-S JUD.

**Summary:** Existing law, until January 1, 2011, permits persons admitted to the bar of any other state to represent a party in an arbitration proceeding in this state, or to render legal services in this state in connection with an arbitration proceeding in another state. Existing law requires out-of-state attorneys to serve upon the arbitrator, the parties, the State Bar of California, and counsel, a certificate containing specified information within a reasonable period of time after the attorney expresses his or her intent to appear in an arbitration. This bill would delete the repeal date, thereby extending these provisions indefinitely.

**Position**  
Support in  
Principle

**SB 908** (Wyland [R] ) **Meal and rest periods: exceptions.** (I-01/27/2010 [html](#) [pdf](#))

**Status:** 02/11/2010-To Com. on L. & I.R.

**Current Location:** 02/11/2010-S L. & I.R.

**Summary:** Existing law prohibits, with specified exceptions, an employer from

requiring any employee to work during a meal or rest period mandated by an applicable order of the Industrial Welfare Commission. Existing law requires, with specified exceptions, employers to provide meal and rest periods to employees during work periods of specified duration. This bill would exempt from these provisions an employee in the transportation industry whose work places him or her inside an armored car in shifts during a workday.

**Position**

Support

**SB 952 (Wyland [R] ) Sales and use taxes: vehicle license fee: income taxes: income tax administration: withholding rates.** (I-02/04/2010 [html](#) [pdf](#))

**Status:** 02/18/2010-To Com. on REV. & TAX.

**Current Location:** 02/18/2010-S REV. & TAX

**Summary:** The Sales and Use Tax Law imposes a state sales and use tax on retailers and on the storage, use, or other consumption of tangible personal property in this state at the rate of 6 1/4%, plus, from April 11, 2009 to July 1, 2011, an additional 1%, of the gross receipts from the retail sale of tangible personal property in this state and of the sales price of tangible personal property purchased from any retailer for storage, use, or other consumption in this state. This bill would repeal the additional 1% state sales and use tax rate on the first day of the first calendar quarter commencing more than 90 days after the effective date of this bill. This bill contains other related provisions and other existing laws.

**Position**

Oppose

**SB 1029 (Yee [D] ) Hypodermic needles and syringes.** (A-03/17/2010 [html](#) [pdf](#))

**Status:** 03/17/2010-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on HEALTH.

**Current Location:** 03/17/2010-S HEALTH

**Calendar Events:** 03/24/10 1:30 p.m. - John L. Burton Hearing Room (4203) SEN HEALTH

**Summary:** Existing law regulates the sale, possession, and disposal of hypodermic needles and syringes, and requires, with certain exceptions, a prescription to purchase a hypodermic needle or syringe for human use. Existing law prohibits any person from possessing or having under his or her control any hypodermic needle or syringe, except in accordance with those regulatory provisions. This bill would delete the prohibition against any person possessing or having under his or her control any hypodermic needle or syringe, except in accordance with the aforementioned regulatory provisions. This bill contains other related provisions and other existing laws.

**Position**

Oppose

**SB 1071 (DeSaulnier [D] ) Controlled Substance Utilization Review and Evaluation System.** (I-02/17/2010 [html](#) [pdf](#))

**Status:** 02/25/2010-To Com. on RLS.

**Current Location:** 02/25/2010-S RLS.

**Summary:** Existing law provides for the electronic monitoring and reporting of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances pursuant to the Controlled Substance Utilization Review and Evaluation System (CURES) program. This bill would make technical, nonsubstantive changes to these provisions.

**Position**

Watch

**[SB 1449](#) (Leno [D] ) Marijuana: possession.** (I-02/19/2010 [html](#) [pdf](#))

**Status:** 03/11/2010-To Com. on PUB. S.

**Current Location:** 03/11/2010-S PUB. S.

**Summary:** Existing law provides that, except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than \$100. Existing law provides for this offense that under specified conditions (1) the court shall divert and refer the defendant for education, treatment, or rehabilitation, as specified, and (2) an arrested person who gives satisfactory evidence of identity and a written promise to appear in court shall not be subjected to booking. This bill would instead provide that, except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than \$250. By changing the penalties for an existing crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**[SB 1453](#) (Price [D] ) CalWORKs and food stamps.** (I-02/19/2010 [html](#) [pdf](#))

**Status:** 03/11/2010-To Com. on RLS.

**Current Location:** 03/11/2010-S RLS.

**Summary:** Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, the county is required to annually redetermine eligibility for CalWORKs benefits. This bill would declare the intent of the Legislature to enact Legislation that would reform fingerprinting, asset limitation, and reporting requirements under the CalWORKs program and the Food Stamp program. This bill contains other existing laws.

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