

CADPAAC 2010 LEGISLATIVE ANALYSIS
(Rev. 10/10/10)

Bill #	Description	Discussion	Recommendation	Status
AB 564	<i>(Portantino & Lowenthal)</i> – Establishes a limitation on the amount of compensation a director, officer, or employee of a nonprofit substance abuse treatment facility may receive from public sources, not to exceed the federal compensation limitation. It also requires 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.	The authors believe that public funds should not be used to pay salaries that they consider “unreasonable.”	Watch	Vetoed <i>(Treatment)</i>
AB 605	<i>(Portantino)</i> – Expands the scope and allowable locations for “instructional tasting permits,” which authorize permitholders to conduct tastings of alcoholic beverages, subject to certain limitations.	The ABC believes this bill severely impacts local governments' ability to prevent issuance of the license. ABC also believes that local governments should have the ability to weigh-in with the full weight and force under their zoning authority that is essential for them to determine which business locations this type of activity should be allowed within their communities. In addition, ABC believes the license may not serve the public convenience or necessity for various reasons, such as being located in a high crime area. Furthermore, the bill severely limits the public's ability to be made aware that their local grocery store or mini mart has applied to conduct tastings. Although the bill allows the public to protest, if the public is not made aware of a license application, it becomes difficult to protest. The bill exempts these licenses from the 500 foot notification, publication of notice in a newspaper, or notification of nearby schools and churches by ABC.	Oppose	Chaptered <i>(Prevention)</i>

Bill #	Description	Discussion	Recommendation	Status
AB 1060	<i>(De La Torre)</i> – would prohibit off-sale licensees from selling alcoholic beverages using a self-service checkout system.	The bill declares that allowing customers to purchase alcoholic beverages through self-service checkouts facilitates the purchase of alcoholic beverages by minors, and permits customers who are in an advanced state of intoxication to purchase additional alcoholic beverages.	Support Signature Request Sent	Vetoed <i>(Prevention)</i>
AB 1542	<i>(Jones)</i> – Establishes the Patient-Centered Medical Home Pilot Project to encourage health care providers and patients to partner in a patient-centered medical home that promotes access to high-quality, comprehensive care. A goal stated in the bill is to "ultimately to ensure that all Californians have a medical home."	Language was added to the bill that supports the integration of medical, mental health, and substance use disorder care. The bill states that the medical home should use a team approach that "utilizes the partnership to access all medical and nonmedical health-related services needed by the patient and the patient's family."	Support	Died <i>(Treatment, COD)</i>
AB 1600	<i>(Beall)</i> – Expands the coverage requirement for certain health care service plan contracts and health insurance policies to include the diagnosis and treatment of a mental illness or substance abuse of a person of any age.	This is identical to the author's Mental Health/AOD parity bill that CADPAAC co-sponsored last year.	Sponsor Signature Request Sent	Vetoed <i>(Co-Occurring, Treatment, Youth)</i>
AB 1602	<i>(Perez)</i> – Enacts the California Patient Protection and Affordable Care Act to implement reforms under the Federal Healthcare Act. Creates the California Health Benefit Exchange for the purchase of health care coverage.	Prohibits group or individual health care service plans or health insurers (collectively carriers) from establishing lifetime or unreasonable annual limits on the dollar value of benefits. Requires carriers to provide minimum coverage for specified preventive services.	Watch	Chaptered <i>(Treatment)</i>
AB 1701	<i>(Chesbro)</i> – Deletes the December 31, 2010 sunset date for authorizing pharmacy sales of clean needles and syringes, and reestablishes these authorizations until Dec. 31, 2018.	This bill will become inoperative if SB 1029, relating to the same subject, is enacted on or before Jan. 1, 2011.	Support Signature Request Sent	Chaptered <i>(Treatment)</i>
AB 1858	<i>(Blumenfield)</i> – Broadens until Jan. 1, 2016 the existing authorization of syringe exchange programs and requires the CDPH to set up a process for localities to provide such services.	Current programs are limited in location, and this would reach more people in need of sterile syringes to prevent transmission of HIV, viral hepatitis, and other blood-borne diseases.	Support Signature Request Sent	Vetoed <i>(Treatment)</i>

Bill #	Description	Discussion	Recommendation	Status
AB 1925	<p><i>(Salas)</i> – Authorizes superior courts to develop and implement veterans’ courts, with program details, such as treatment requirements, determined by a collaborative process between the presiding judge and the board of supervisors. The stated objectives of this proposal are: (1) To increase cooperation between the criminal justice, veterans, and substance abuse systems. (2) To reduce the involvement of veterans in the criminal justice system and time in jail by making services for veterans available in the least restrictive environment possible while promoting public safety.</p>	<p>The bill is permissive, and participation by counties that choose to establish these courts is voluntary. There could be new local costs that could range from minor redirected court costs for dedicated personnel, depending how the veterans' court is structured. To the extent that fewer veterans are sentenced to state prison, there could be significant annual net GF savings, which would be at least partially offset by the cost of community services provided to diverted offenders. The county plans shall address various components, including the need for the county mental health department and the drug and alcohol department to provide initial and ongoing training for designated staff on treatment and supportive services available in the community.</p>	<p>Watch</p>	<p>Vetoed <i>(C.J.)</i></p>
AB 1999	<p><i>(Portantino)</i> – Provides limited immunity from criminal liability for underage youth who possess or consume alcoholic beverages under certain specified circumstances.</p>	<p>The bill’s provisions would apply only if all of the following are true: (1) One person under 21 calls 9-1-1 and reports that he/herself or another person under 21 is in need of medical assistance due to alcohol consumption; (2) the person calling 9-1-1 is the first person to make the report; (3) the person making the report remains on the scene until medical assistance arrives, and cooperates with medical and law enforcement personnel. The bill does not affect liability for any offense that involves activities made dangerous by the consumption of alcohol.</p>	<p>Support Signature Request Sent</p>	<p>Chaptered <i>(C.J.)</i></p>
AB 2145	<p><i>(Ammiano)</i> – Deletes the sunset date on current law that allows a licensed health care provider to prescribe and subsequently dispense or distribute an opioid antagonist in conjunction with an opioid overdose prevention and treatment training program, without being subject to civil liability or criminal prosecution. The bill also makes this provision applicable statewide, rather than just in specified counties.</p>	<p>The bill would also authorize a person who is not otherwise licensed to administer an opioid antidote in an emergency without fee, if the person has received specified training information and believes in good faith that the other person is experiencing a drug overdose. The bill would prohibit that person from being liable for any violation of any professional licensing statute, or subject to any criminal prosecution arising from or related to the unauthorized practice of medicine.</p>	<p>Support Signature Request Sent</p>	<p>Chaptered <i>(Treatment)</i></p>

Bill #	Description	Discussion	Recommendation	Status
AB 2268	<i>(Chesbro)</i> – Authorizes 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 (Section 823(g) of Title 21 of the United States Code).	Current state law prohibits a person from treating an addict for addiction to a narcotic drug except in specified locations, including a facility licensed by ADP. Existing law also restricts the amounts of certain controlled substances that a physician treating an addict for addiction may prescribe for or furnish to the addict during each day of treatment.	Support	Chaptered <i>(Treatment)</i>
AB 2326	<i>(Bass)</i> – Expands the membership of the state’s Reentry Advisory Committee by 7 members, and requires the Committee to develop a comprehensive resource guide for community-based organizations, faith-based organizations, service providers, law enforcement agencies, and industry and governmental entities. One of the specified members of the Committee is required to be a CADPAAC representative.	The bill would require the committee to apply for specified federal grants, and to develop a comprehensive strategic reentry plan containing annual performance goals, one of which could include reduction in drug and alcohol abuse among offenders.	Support Signature Request Sent	Vetoed <i>(Crim. Justice)</i>
AB 2460	<i>(Ammiano)</i> – Provides limited protection from arrest or prosecution for individuals who call 911 when they experience or witness a drug overdose. The bill does not affect liability for any offense that involves activities made dangerous by the consumption of alcohol or other drugs.	Research has shown that the main reason people do not call 911 is fear of arrest. This would give immunity for arrest for simple possession or paraphernalia charges, to remove that barrier and enable people to get help. This bill prioritizes saving lives over low-level drug possession charges.	Support Signature Request Sent	Vetoed <i>(Treatment, C.J.)</i>
AB 2486	<i>(Feuer)</i> – Provides that the provisions of the social host liability laws do not preclude a claim against a social host who is 21 years of age or older who knowingly furnishes alcoholic beverages to a person under 21 years of age, in cases where furnishing the alcoholic beverages is found to be the proximate cause of resulting injuries or death.	Under existing law a social host who furnishes alcoholic beverages to any person may not be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any 3rd person, resulting from the consumption of those beverages. This bill would alter that provision by allowing for some legal claim against a social host in specified circumstances.	Support	Chaptered <i>(Prevention)</i>

Bill #	Description	Discussion	Recommendation	Status
AB 2650	<i>(Buchanan)</i> – Prohibits any medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana from being located within 1,000 feet of a school, public park, public library, religious institution, licensed child care facility, youth center, substance abuse rehabilitation center, or any pre-existing medical marijuana cooperative.	The bill also provides that local ordinances that regulate the location or establishment of these medical marijuana establishments, adopted prior to January 1, 2011, would not be preempted by its provisions, and that nothing in the bill shall prohibit municipal jurisdictions from adopting ordinances that further restrict the location or establishment of these medical marijuana establishments.	Watch	Chaptered <i>(Prevention)</i>
SB 208	<i>(Steinberg)</i> – This bill, along with an identical Assembly bill, AB 342 <i>(Perez)</i> , enacts the statutory changes proposed by the Department of Health Care (DHCS) to implement the proposed Section 1115 Comprehensive Demonstration Project Waiver in the Medi-Cal Program.	CADPAAC requested an amendment to the sections of the bill regarding county outreach to target populations under the coverage expansion projects, to include language specifying that services are provided to enrollees who have been diagnosed with substance use disorders. This amendment was accepted, and our requested language is now in the bills.	Support	Chaptered
SB 1029	<i>(Yee)</i> – Deletes the prohibition in current law against any person possessing or having under his control any hypodermic needle or syringe; extends the December 31, 2010 sunset date on provisions allowing pharmacy sales of 30 or fewer hypodermic needles and syringes for human use without a prescription or license to December 31, 2018; and deletes the requirement of authorization of such provisions by a county or city.	The bill also amends the Pharmacy Law to require pharmacies to provide consumers with prescribed options for consumer disposal of hypodermic needles and syringes. It also requires the pharmacies to provide written information or verbal counseling at the time of furnishing or sale of nonprescription hypodermic needles or syringes.	Support Signature Request Sent	Vetoed <i>(Treatment, Prevention)</i>
SB 1091	<i>(Hancock)</i> – Makes individuals awaiting adjudication in county juvenile detention facilities eligible for Medi-Cal benefits if they are receiving Medi-Cal benefits at the time they are admitted to the detention facility, or are subsequently determined to be eligible for Medi-Cal benefits by the county welfare department.	The bill would provide that these individuals would have their Medi-Cal benefits continued until the date of adjudication. It would also require the Department of Health Care Services to seek all federal approvals or waivers necessary to implement these provisions and to allow for federal financial participation. The county must agree to pay the state's share of Medi-Cal expenditures.	Support Signature Request Sent	Vetoed <i>(Youth)</i>

Bill #	Description	Discussion	Recommendation	Status
SB 1449	<i>(Leno)</i> – Specifically defines possession of not more than one ounce of marijuana as an infraction, an offense that under existing law is only punishable by a fine of up to \$100, and not jail time.	The purpose of this bill, which is supported by the Judicial Council and the District Attorney’s Association, is to prevent the clogging of the court system with trials for small amounts of marijuana possession, when the offender, if convicted, receives only a \$100 fine.	Watch	Chaptered <i>(C.J.)</i>