



P.O. Box 8506
Redlands, CA 92373

LEGISLATIVE REPORT FOR 2013

Ronald P. Hattis, MD, MPH
For Annual Meeting of CAPM, 10/23/13

The 2013 legislative year was a busy one for CAPM. Bills related to prevention and public health were selected and reviewed by the CAPM Board to determine our positions. By the end of the legislative session, **two bills that the Board supported were signed into law, and a third bill passed both houses of the legislature but was vetoed.** In addition, CAPM has been working with the Medical Board of California regarding follow-up of a bill that we sponsored and that was signed into law back in 2011 but has yet to be fully implemented. Six CAPM members are advising the Medical Board of California on this matter. Five more bills that were endorsed by our Board failed to progress all the way through the legislative process, but were not killed and could be revived in 2014. Following is a description of the bills with which we have been involved, including their current status.

SUPPORTED BILLS PASSED AND SIGNED INTO LAW

AB 446 (Mitchell) will require all primary care providers to offer an HIV test to all adolescents and adults who have not had one in the last year, if blood is to be drawn for other purposes. It also facilitates posting HIV results confidentially for Web access, and permits oral consent for HIV testing in most non-clinical settings. CAPM's support was announced at legislative committee hearings in addition to letters of support, including to the Governor. The bill was sponsored by the AIDS Healthcare Foundation, and CMA also had a support position, but CAPM and Beyond AIDS provided the only testimony from a physician (Ron Hattis) which was influential. For final text of bill as chaptered into law, see http://leginfo.ca.gov/pub/13-14/bill/asm/ab_0401-0450/ab_446_bill_20131005_chaptered.htm.

SB 402 (DeLeon) will require all general acute care hospitals and special hospitals that have a perinatal unit to adopt, by January 1, 2025, the "Ten Steps to Successful Breastfeeding," as per the Baby-Friendly Hospital Initiative, or an alternate process adopted by a health care service plan that includes evidenced-based policies and practices and targeted outcomes, or the Model Hospital Policy Recommendations. This bill came to the attention of CAPM through one of our new resident members, Stacey Wiles, who was enlisted to write the letters of support. For final text of bill as chaptered into law, see http://leginfo.ca.gov/pub/13-14/bill/sen/sb_0401-0450/sb_402_bill_20131009_chaptered.htm.

SPONSORED BILL, PASSED, AND SIGNED INTO LAW BUT NOT IMPLEMENTED

SB 380 of 2011 (Wright) was sponsored by CAPM and passed in 2011, but it gave the Medical Board of California 2 years to begin implementation, and that slow process finally began this year. The bill requires the Medical Board to periodically disseminate information to physicians and hospitals about the use of nutrition and lifestyle for the prevention and treatment of chronic diseases. It authorizes but does not require the Medical Board to require content on lifestyle and nutrition in any CME activity relating to chronic diseases.

The bill also requires the Medical Board to form a Working Group to advise it on carrying out the intent of the bill, and this is the only portion that has been carried out so far. Earlier this year, CAPM President Don Lyman submitted nominations of himself, Jessica Nunez de Ybarra, Ron Hattis, Liana Lianov, Caroline Peck, and Wayne Dysinger, and all were accepted, giving us a majority of this advisory body. The Education and Wellness Committee of the Board held a hearing in Sacramento on July 17, 2013, at which members of the Working Group testified on the inadequacy and importance of physician education on lifestyle and nutrition. The group recommended that the Board require content on nutrition and lifestyle for all CME dealing with cardiovascular disease, diabetes, and obesity. We are still waiting for action by the Board. For final text of bill as chaptered into law, see http://leginfo.ca.gov/pub/11-12/bill/sen/sb_0351-0400/sb_380_bill_20110906_chaptered.html.

SUPPORTED BILL PASSED BY LEGISLATURE BUT VETOED

AB 999 (Bonta) would have made condoms available in state prisons. The condoms and dispensers would have been donated. It passed but was vetoed by Gov. Brown. Two similar bills in recent years had also passed but been vetoed by Gov. Schwarzenegger. CAPM wrote letters, including to the Governor, and announced support at hearings. One of the problems in getting gubernatorial support for such a measure is that sodomy in prison (i.e., what the condoms would be used for) is still a felony, which can add a year of additional prison sentence. It may be necessary to remove that crime from the penal code. For text of bill as sent to Governor, see http://leginfo.ca.gov/pub/13-14/bill/asm/ab_0951-1000/ab_999_bill_20130916_enrolled.htm.

SUPPORTED BILLS STUCK IN LEGISLATURE BUT POSSIBLE TO REVIVE IN 2014

AB 640 (Hall) would require infection control practices, presumably including condoms, for the adult film industry. So far, Los Angeles and Ventura Counties have local ordinances on this issue, but the concern is that the industry may move to other counties. The original bill, AB 332, was held in suspense in Assembly Appropriations. AB 640, a bill requiring a license to sell tobacco products, which had passed the Assembly, was amended in the Senate to replace AB 332, and is being held by Senate Rules Committee for a decision on whether this is acceptable. If

AB 640 passes Senate in 2014, it will need to return to Assembly, which never saw it in its current form. For text of bill, see http://leginfo.ca.gov/pub/13-14/bill/asm/ab_0601-0650/ab_640_bill_20130828_amended_sen_v94.htm.

AB 1176 (Bocanegra) would establish a fund to subsidize primary care residency programs, from a tax on health insurers of \$5/insured person. The bill is in suspense in Assembly Appropriations Committee. For text of bill see http://leginfo.ca.gov/pub/13-14/bill/asm/ab_1151-1200/ab_1176_bill_20130423_amended_asm_v97.htm.

AB 609 (Nestande) would require free public Internet posting of the peer-reviewed manuscripts resulting from research funded by grants from state agencies, within 12 months of publication. Bill passed Assembly but was defeated in Senate Government Operations Committee. Reconsideration was granted, so another attempt is possible in 2014. For text of bill, see http://leginfo.ca.gov/pub/13-14/bill/asm/ab_0601-0650/ab_609_bill_20130618_amended_sen_v94.htm.

AB 336 (Ammiano) would prohibit the use of seized condoms as evidence in prosecutions for prostitution. In a deal with county district attorneys, it was weakened to merely require a hearing by the judge in chambers on the admissibility of such evidence. Bill passed the Assembly in that weakened form and was referred to Senate Public Safety Committee, but author became unhappy with the compromise and cancelled the hearing, hoping that the original form might be restored in 2014 if more support can be enlisted. For text of bill in present form, see http://leginfo.ca.gov/pub/13-14/bill/asm/ab_0301-0350/ab_336_bill_20130529_amended_asm_v97.htm.

SB 648 (Corbett) would extend the prohibitions on smoking in various places, and on advertising of tobacco products on state property, to apply also to electronic cigarettes. Bill passed Senate, but hearing was cancelled by the author at Assembly Government Operations due to likely failure there after the industry became engaged in active opposition. For text of bill, see http://leginfo.ca.gov/pub/13-14/bill/sen/sb_0601-0650/sb_648_bill_20130805_amended_asm_v96.htm.

INVITATION TO FORM LEGISLATIVE WORK GROUP IN SACRAMENTO AREA

Since we cannot afford a paid lobbyist, CAPM's legislative effectiveness would be enhanced by the development of a small group of members within the greater Sacramento area, to be available at short notice to meet with legislative staff, to testify at legislative committees, and to write and deliver letters about bills of interest. Training is available from Ron Hattis and Don Lyman. If interested, please e-mail preventivemed@aol.com.