

# **Legislative Summary Report**



## **2021 Legislative Year**

**2021 Legislation Affecting the  
Department of State Hospitals**

**STATE OF CALIFORNIA**

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**November 2021**

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## INTRODUCTION

This report provides an overview of legislation affecting the Department of State Hospitals (DSH) in 2021.

During the first year of the 2021-22 Legislative Session, 2,776 measures were introduced. DSH's Office of Legislation monitored or tracked 167 bills affecting issues related to DSH's jurisdiction or expertise and provided final recommendations on six bills that reached the Governor's desk.

DSH manages the nation's largest inpatient forensic mental health hospital system. Its mission is to provide evaluation and treatment in a safe and responsible manner, seeking innovation and excellence in state hospital operations, across a continuum of care and settings.

DSH is responsible for the daily care and provision of mental health treatment of its patients. In Fiscal Year 2019-2020, DSH served 10,962 patients. DSH oversees five state hospitals and employs nearly 13,000 staff members. Additionally, DSH provides services in jail-based competency treatment programs and conditional release programs.

The following pages provide a summary of legislation that was introduced or enacted in the 2021 legislative year analyzed or tracked by the DSH Office of Legislation. For more information about the legislation summarized in this report, please click the bill title or contact the Office of Legislation at [Legislation@dsh.ca.gov](mailto:Legislation@dsh.ca.gov) or (916) 654-2316.

For more information about DSH, including the Department's values, vision, mission, or goals, please visit our Internet Web site at <http://www.dsh.ca.gov>.

## ACRONYMS COMMONLY USED

AB	Assembly Bill
ACR	Assembly Concurrent Resolution
CDCR	California Department of Corrections and Rehabilitation
CONREP	Conditional Release Program
DDS	Department of Developmental Services
DSH	Department of State Hospitals
DSH-Atascadero	Atascadero State Hospital
DSH-Coalinga	Coalinga State Hospital
DSH-Metropolitan	Metropolitan State Hospital
DSH-Napa	Napa State Hospital
DSH-Patton	Patton State Hospital
FY	Fiscal Year
IST	Incompetent to Stand Trial
JBCT	Jail-Based Competency Treatment Program
LPS	Lanterman-Petris-Short
OMD	Offender with Mental Health Disorder
NGI	Not Guilty by Reason of Insanity
OPS	Office of Protective Services
SB	Senate Bill
SCR	Senate Concurrent Resolution
SVP	Sexually Violent Predator

## ENACTED PRIORITY LEGISLATION

*This section includes bills directly impacting DSH that were signed into law by the Governor. All bills take effect January 1, 2022, unless otherwise noted.*

### [AB 89 \(Jones-Sawyer, Chapter 405\) Peace officers: minimum qualifications](#)

Raises the minimum age to qualify as a peace officer to 21 years starting January 1, 2022. Currently employed officers or candidates enrolled in a POST academy under this age are exempt from this requirement. AB 89 also requires specified stakeholders, including POST, to serve as advisors to the office of the Chancellor of the California Community Colleges to develop a modern policing degree program and submit a report on recommendations to the Legislature by June 1, 2023 outlining a plan to implement this program. AB 89 requires POST to approve and adopt education criteria for specified peace officers based on the recommendations provided in the report to the Legislature within two years of the report's submission.

**DSH Fiscal Impact:** DSH does not anticipate this bill to create significant costs to the department. However, DSH will monitor the implementation of AB 89 in 2025 for any impact on the classifications included in this bill (DSH Chief, Deputy Chief, supervising investigators, and investigators) and may need to request a budget augmentation at that time.

### [AB 128 \(Ting, Chapter 21\) Budget Act of 2021](#)

This bill makes appropriations for the support of state government. It authorizes General Fund expenditures of \$195.5 billion and assumes \$201.9 billion in total General Fund resources, including approximately \$2.6 billion for DSH operations. This includes an appropriation of \$2.172 billion for the support of DSH. This Budget Act also makes a \$7.5 million appropriation to the Victim's Compensation Board for the operation of the Forced or Involuntary Sterilization Compensation Program, available through June 2024. which was enacted later in AB 137 (Chapter 77, Statutes of 2021).

**Effective Date:** June 28, 2021

### [AB 133 \(Committee on Budget, Chapter 143\) Health](#)

As it impacts DSH, this 2021-22 Health Budget Trailer Bill creates or changes multiple programs which modify DSH responsibilities. These include the ability to conduct evaluations or re-evaluations of IST defendants in county custody; requires DSH to submit a report to the court 90 days after commitment; authorizes DSH to bill counties for defendants not picked up within 10 days of notification; clarifies that DSH has jurisdiction over contracted facilities, excluding community-based restoration of competency services that are operated by the county; removes the requirement that transfer of conservatees only occur with the consent of the conservator; creates an IST Trial Solutions Workgroup and a process by which LPS admissions will no longer be accepted; authorizes DSH to conduct re-evaluations of mental competence, either in person or by video telehealth, of an IST defendant in county custody if the defendant has been committed to and

awaiting admission to the department for 60 days or more; authorizes DSH to require counties expanding a current DSH-funded Felony Mental Health Diversion program to exclusively divert defendants who are IST; authorizes DSH to contract for subacute bed capacity with public or private entities; removes the responsibility of relatives to pay for DSH patients; revises and recast provisions for “complex rehabilitation technology” and “complex needs patients”; and establishes specified reimbursements for IST commitments from counties.

**Effective Date:** July 27, 2021

[AB 137 \(Committee on Budget, Chapter 77\) State Government](#)

As it impacts DSH, this bill establishes the Forced or Involuntary Sterilization Compensation Program operated by the California Victim’s Compensation Board to provide compensation to those who were forcibly sterilized under California’s eugenic laws in state facilities between 1919 and 1979. The program also includes inmates sterilized without medical necessity or demonstrated informed consent while incarcerated after 1979.

**Effective Date:** July 16, 2021

[SB 95 \(Skinner, Chapter 13\) Employment: COVID-19: supplemental paid sick leave](#)

Reestablished the COVID-19 supplemental paid sick leave for employers, as defined under existing law, who have more than 25 employees, including DSH. The program terminated on September 30, 2021.

**Effective Date:** March 19, 2021

**Sunset Date:** September 30, 2021

[SB 248 \(Bates, Chapter 383\) Sexually violent predators: open court proceedings](#)

Eliminates the requirement for CDCR to perform a screen of an individual who is in custody for the commission of a new offense committed while serving an indeterminate term in a state hospital as an SVP. The bill will allow the Secretary of CDCR to refer the person directly to DSH for a full evaluation of whether the person still meets the statutory SVP criteria. If DSH evaluators find the person meets SVP criteria, DSH shall request a court order authorizing a transfer of the individual from CDCR to DSH to continue serving the remainder of the individual’s original indeterminate commitment as an SVP if the original petition has not been dismissed. DSH must submit this request no less than 20 calendar days prior to the individual’s scheduled release date. If the original petition was previously dismissed, DSH shall forward a request for a new petition to be filed for SVP commitment.

**DSH Fiscal Impact:** DSH already complies with the provisions of this bill, therefore the cost of this bill is expected to be minor and absorbable.

[SB 317 \(Stern, Chapter 599\) Competence to stand trial](#)

Repeals and replaces existing law for individuals found IST on misdemeanor charges (MIST). The bill permits application of conduct credits for persons confined in a state hospital or other mental health treatment facility, pending their

return of mental competency, and allow the credits to be applied towards a court ordered sentence.

**DSH Fiscal Impact:** DSH case analysts either confirm the courts' calculation or calculate custody credits themselves for IST defendants in order to determine the maximum amount of time they can be treated at a state hospital. If DSH is required to perform the post-treatment custody credits calculation, this is absorbable within existing resources.



## ADDITIONAL ENACTED LEGISLATION

*This section includes bills relating to mental health, public safety, licensing, and other general government issues that were signed into law by the Governor and may impact DSH. These bills may require DSH compliance with their provisions. All bills take effect January 1, 2022, unless otherwise noted. Bills are organized by subject matter.*

### **Commitments and Court Proceedings**

#### [AB 124 \(Kamlager, Chapter 695\) Criminal procedure](#)

Requires courts to consider whether specified trauma to a defendant and other factors contributed to the commission of an offense when making sentencing and resentencing determinations and expands the affirmative defense of coercion for human trafficking victims and extends it to victims of intimate partner violence and sexual violence.

#### [AB 218 \(Ward, Chapter 577\) Change of gender and sex identifier](#)

Creates, as of January 1, 2023, a process for a petitioner seeking a change of gender to also request their marriage license and certificate and their children's birth certificates be reissued with updated information about the petitioner.

#### [AB 419 \(Davies, Chapter 91\) Criminal procedure: victim and witness privacy](#)

Expands the prohibition of an attorney disclosing identifying information to a defendant, members of the defendant's family, or anyone else, to include any personal identifying information, as defined, of the victim or witness.

#### [AB 638 \(Quirk-Silva, Chapter 584\) Mental Health Services Act: early intervention and prevention programs](#)

Revises the Mental Health Services Act (MHSA) by authorizing the use of Prevention and Early Intervention (PEI) funds for prevention and early intervention strategies that address mental health needs, substance misuse or substance use disorders (SUDs), or needs relating to co-occurring mental health substance use.

#### [AB 1318 \(Stone, Chapter 210\) Deferred entry of judgment pilot program](#)

Extends the operative date of the Transitional Age Youth Pilot Program in the Counties of Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura until January 1, 2024.

#### [AB 1540 \(Ting, Chapter 719\) Criminal procedure: resentencing](#)

Requires the court to provide counsel for the defendant when there is a recommendation from the Secretary of CDCR, the Board of Parole Hearings (BPH), Sheriff, or the prosecuting agency, to recall an inmate's sentence and resentence that inmate to a lesser sentence. Creates a presumption favoring recall and resentencing, as specified, when the recommendation has been made by one of the agencies described above.

[SB 81 \(Skinner, Chapter 721\) Sentencing: dismissal of enhancements](#)

Provides guidance to courts by specifying circumstances for a court to consider when determining whether to dismiss an enhancement.

[SB 311 \(Hueso, Chapter 384\) Compassionate Access to Medical Cannabis Act or Ryan's Law](#)

Requires specified health care facilities to allow terminally ill patients to use medical cannabis within the facility, subject to certain restrictions. Requires a health facility to reasonably restrict the manner in which a patient stores and uses medicinal cannabis, including requiring the medicinal cannabis to be stored in a locked container. Requires health facilities permitting patient use of medicinal cannabis to comply with specified drug and medication requirements, subject to enforcement actions by the Department of Public Health (DPH). This bill does not apply to health facilities licensed under subdivision (b) of section 1250 of the Health and Safety code, including DSH hospitals.

[SB 380 \(Eggman, Chapter 542\) End of life](#)

Extends the January 1, 2026, sunset date for the End of Life Option Act (EOLA) to January 1, 2031. Allows an individual to qualify for aid-in-dying medication by making two oral requests a minimum of 48 hours apart, rather than 15 days apart; requires that the date of all oral and written requests be documented in an individual's medical record and upon a transfer of care that record to be provided to the qualified individual; and, eliminates the final attestation form required to be filled out by the qualified individual within 48 hours prior to self-administering the aid-in-dying medication.

[SB 483 \(Allen, Chapter 728\) Sentencing: resentencing to remove sentencing enhancements](#)

Applies the repeal of sentence enhancements for prior prison or county jail felony terms and for prior convictions of specified crimes related to controlled substances retroactively.

[SB 507 \(Eggman, Chapter 426\) Mental health services: assisted outpatient treatment](#)

Expands the criteria for court ordered Assisted Outpatient Treatment (AOT) if, a clinical determination has been made that in view of the person's treatment history and current, behavior, at least one of the following is true: a) the person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating b) the person is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or to others, Expands the criteria for AOT to include an eligible conservatee who is the subject of a pending petition for termination of a conservatorship under the LPS Act to obtain AOT treatment, as specified. Requires the examining mental health professional to determine if the subject of the AOT petition has the capacity to give informed consent regarding psychotropic medication in their affidavit to the court. Permits the subject of the

petition or the examining mental health professional to appear before the court for testimony by videoconferencing.

[SB 567 \(Bradford, Chapter 731\) Criminal procedure: sentencing](#)

Requires that the facts underlying any aggravating circumstances relied upon by the court to impose a sentence exceeding the middle term either for a criminal offense or for an enhancement be submitted to the trier of facts and found to be true or be admitted by the defendant.

[SB 578 \(Jones, Chapter 389\) Lanterman-Petris-Short Act: hearings](#)

Clarifies an existing statute that makes proceedings under the LPS Act presumptively nonpublic.

## **Hospitals and Clinical Staff**

[AB 292 \(Stone, Chapter 579\) Corrections: rehabilitative programming](#)

Directs CDCR to conduct rehabilitative programming in a manner that meets specified requirements, such as minimizing program wait times and offering a variety of program opportunities to inmates regardless of security level or sentence length.

[AB 323 \(Kalra, Chapter 458\) Long-term health facilities](#)

Changes the standard for Department of Public Health (DPH) when issuing penalties against long-term care (LTC) facilities for violations that result in the death of a resident from "direct proximate cause" to "substantial factor" and the death was a result of the violation. Increases the amount of civil penalties assessed against LTC facilities.

[AB 359 \(Cooper, Chapter 612\) Physicians and surgeons: licensure: examination](#)

Authorizes applicants who took more than four tries to pass Step 3 of the United States Medical Licensing Examination (USMLE) but have a license in another state to qualify for a California physician's and surgeon's license and loosens restrictions on continuing medical education to allow for courses that include practice and office management, coding, reimbursement, and education methodology.

[AB 451 \(Arambula, Chapter 438\) Health care facilities: treatment of psychiatric emergency medical conditions](#)

Requires a psychiatric unit of a general acute care hospital (GACH), a psychiatric health facility (PHF) with more than 16 beds that is not county operated, and an acute psychiatric hospital (APH), to accept a transfer of a person with a psychiatric emergency medical condition, regardless of whether the facility operates an emergency department (ED), if the facility has appropriate facilities and qualified personnel available to provide the services. This requirement does not apply to DSH facilities listed in section 4100 of the W&I code.

[AB 690 \(Arambula, Chapter 747\) Marriage and family therapists: clinical social workers: professional clinical counselors](#)

Clarifies the types of settings where registrants and trainees may practice and gain required supervised experience hours toward licensure as marriage and family therapists, clinical social workers, and professional clinical counselors. Defines private practices and professional corporations as nonexempt settings, as specified. Expands the number of supervisees per supervisor in nonexempt settings from three to six individuals.

[AB 749 \(Nazarian, Chapter 586\) Skilled nursing facilities: medical director certification](#)

Prohibits a skilled nursing facility (SNF) from contracting with a person as a medical director if the person is not, or will not be within five years, certified by the American Board of Post-Acute and Long-Term Care Medicine (ABPLM) as a Certified Medical Director.

[AB 849 \(Reyes, Chapter 471\) Skilled nursing facilities: intermediate care facilities: liability](#)

Clarifies that a licensee is liable for up to \$500 per violation when a current or former resident, or patient, or the legal representative, personal representative, or successor in interest of a current or former resident or patient, of a LTC (Long-Term Care) facility brings a civil action against the facility for violation of any rights of the resident or patient as set forth in the Patient's Bill of Rights or any other right provided for by federal or state law or regulation. Provides that the above violation penalty applies to violations that occur on or after March 1, 2021.

[AB 1407 \(Burke, Chapter 445\) Nurses: implicit bias courses](#)

Requires a nursing program or school to include one hour of direct participation in implicit bias training; requires a registered nurse (RN) to complete one hour of implicit bias continuing education (CE) within the first two years of licensure; and requires a hospital to implement an evidence-based implicit bias program as part of any new graduate training program that trains new RNs.

[AB 1422 \(Gabriel, Chapter 716\) Health facilities: critical care units: critical care unit program flexibility](#)

Requires applications by health facilities for program flexibility to designate a bed in a critical care unit as requiring a lower level of care to be posted on the California Department of Public Health's (CDPH) website and requires CDPH to solicit public comment on the application for at least 30 days.

[AB 1532 \(Committee on Business and Professions, Chapter 628\) Nursing](#)

Extends the Board of Registered Nursing (BRN) and COVID-19 flexibilities by one year; authorizes non-citizen California residents to serve as members of the BRN; and requires the BRN to post the availability of its temporary licenses on the front page of its website.

[AB 1536 \(Committee on Business and Professions, Chapter 632\) Board of Vocational Nursing and Psychiatric Technicians of the State of California: vocational nursing and psychiatric technicians](#)

Makes changes to the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) stemming from the BVNPT's sunset review including; extending the BVNPT by three years, delegating the authority to issue default decisions and stipulated surrenders of licenses to its executive officer, requiring the BVNPT follow a timeline for approving schools, establishes fees for schools seeking approval, and makes other non-substantive and technical changes.

[AB 1585 \(Committee on Health, Chapter 181\) Health care](#)

Revises the requirement that skilled nursing facilities have a dedicated Infection Preventionist (IP) to allow a broader range of health care professionals to serve in this capacity provided they are qualified and have completed specialized training in infection prevention and control, and extends the deadline, to January 1, 2023, by which time the Department of Health Care Services (DHCS) is required to adopt regulations.

[SB 409 \(Caballero, Chapter 604\) Pharmacy practice: testing](#)

Expands the types of clinical laboratory tests that a licensed pharmacist may perform to include clinical laboratory tests are classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) and that are used to detect or screen for specified conditions, establishes additional requirements for testing performed by pharmacists and the pharmacies using the pharmacists, and authorizes a pharmacist-in-charge to serve as the laboratory director.

[SB 650 \(Stern, Chapter 493\) Skilled nursing facilities](#)

Requires an organization that operates, conducts, owns, manages, or maintains a skilled nursing facility (SNF) to prepare and file an annual consolidated financial report with the Office of Statewide Health Planning and Development, requires the financial report to include data from all related parties in which the organization has an ownership or control interest of 5% or more and that provides any services or supplies to the SNF, and requires the financial report to be reviewed by a certified public accountant.

[SB 801 \(Archuleta, Chapter 647\) Healing arts: Board of Behavioral Sciences: Board of Psychology: licensees](#)

Makes various changes to the regulation of licensed and registered professionals under the jurisdiction of the Board of Psychology (BOP) and the Board of Behavioral Sciences (BBS), which includes psychologists, registered psychologists, psychological assistants, licensed clinical social workers (LCSWs), licensed marriage and family therapists (LMFTs), licensed educational psychologists (LEPs), licensed professional clinical counselors (LPCCs), associate clinical social workers registrants (ASWs), associate marriage and family therapists registrants (AMFTs), and associate professional clinical counselors

registrants (APCCs), stemming from the joint sunset review oversight of the BOP and the BBS.

[SB 806 \(Roth, Chapter 649\) Healing arts](#)

Extends the sunset dates for the Medical Board of California (MBC), the Osteopathic Medical Board of California (OMBC), the Podiatric Medical Board of California (PMBC), and the Physician Assistant Board (PAB), to January 1, 2024 and makes additional technical changes, statutory improvements, and policy reforms stemming from the joint sunset review oversight of the programs

**Law Enforcement**

[AB 26 \(Holden, Chapter 403\) Peace officers: use of force](#)

Requires use of force policies for law enforcement agencies to include the requirement that officers "immediately" report potential excessive force, and further describes the requirement to "intercede" if another officer uses excessive force. Provides additional specifications for law enforcement agency policies on the duty to intervene when another officer uses excessive force.

[AB 48 \(Gonzalez, Lorena, Chapter 404\) Law enforcement: use of force](#)

Provides that the use of kinetic energy projectiles or chemical agents, as defined, shall only be used by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training (POST) for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and in compliance with specified requirements.

[AB 57 \(Gabriel, Chapter 691\) Law enforcement: hate crimes](#)

Requires the basic peace officer course curriculum to include instruction on the topic of hate crimes, which shall incorporate a specified hate crimes video developed by the Commission on Peace Officer Standards and Training (POST).

[AB 127 \(Kamlager, Chapter 20\) Arrest warrants: declaration of probable cause](#)

Requires a magistrate, before issuing an arrest warrant, to examine the declaration of probable cause made by a peace officer, or an employee of a public prosecutor's office when the subject of the arrest warrant is a peace officer.

[AB 490 \(Gipson, Chapter 407\) Law enforcement agency policies: arrests: positional asphyxia](#)

Prohibits a law enforcement agency from authorizing techniques and transport methods that involve a substantial risk of positional asphyxia.

[AB 958 \(Gipson, Chapter 408\) Peace officers: law enforcement gangs](#)

Defines law enforcement gangs and sets a statewide minimum standard for law enforcement agencies to discipline officers who participate in the activities of law enforcement gangs.

[AB 1455 \(Wicks, Chapter 595\) Sexual assault by law enforcement officers: actions against public entities: statute of limitations](#)

Amends the statute of limitations for seeking damages arising out of a sexual assault committed by a law enforcement officer, eliminates the claim presentation requirements for such claims, and revives such claims that would otherwise be barred by the existing statute of limitations.

[AB 1475 \(Low, Chapter 126\) Law enforcement: social media](#)

Prohibits law enforcement agencies from sharing booking photographs on social media of persons arrested on suspicion of committing a non-violent offense, except as specified.

[AB 1480 \(Rodriguez, Chapter 158\) Employers: prohibited disclosure of information: arrest or detention](#)

Allows a law enforcement agency to inquire about, seek, and utilize information about certain nonsworn employees concerning an arrest or detention for specified offenses that did not result in a conviction, information concerning a referral or participation in a diversion program, and information that has been judicially dismissed or ordered sealed.

[SB 2 \(Bradford, Chapter 409\) Peace officers: certification: civil rights](#)

Grants new powers to the Commission on Peace Officers Standards and Training (POST) by creating a process to investigate and determine the fitness of a person to be a peace officer, and to suspend or revoke the certification of peace officers who are found to have engaged in "serious misconduct." Makes changes to the Tom Bane Civil Rights Act by eliminating specified immunity provisions.

[SB 16 \(Skinner, Chapter 402\) Peace officers: release of records](#)

Expands the categories of personnel records of peace officers and custodial officers that are subject to disclosure under the California Public Records Act (CPRA), imposes certain requirements regarding the time frames and costs associated with CPRA requests, and provides that the lawyer-client privilege does not prohibit disclosure of factual information and billing records, as specified.

## **Employment**

[AB 12 \(Seyarto, Chapter 509\) Personal information: social security numbers: the Employment Development Department](#)

Requires state agencies, as soon as is feasible, but no later than January 1, 2023, to stop sending any ongoing United States mail to an individual that contains the

individual's social security number unless the number is truncated to its last four digits, except in specified circumstances.

[AB 73 \(Rivas, Robert, Chapter 322\) Health emergencies: employment safety: agricultural workers: wildfire smoke](#)

Expands the definition of essential workers to include agricultural workers for the purpose of accessing the personal protective equipment (PPE) stockpile for emergencies established by the State Department of Public Health and the Office of Emergency Services. Directs the Division of Occupational Safety and Health (Cal/OSHA) to review and update the content of wildfire smoke training in existing regulations. Requires training provided by employers to be in a language and manner readily understandable by employees.

[AB 110 \(Petrie-Norris, Chapter 511\) Fraudulent claims for unemployment compensation benefits: inmates](#)

Requires CDCR to provide, as specified, the names and social security numbers of current inmates to the Employment Development Department (EDD) for the purpose of preventing payments on fraudulent claims for unemployment compensation benefits, as specified, and would require EDD to cross match that information before any payment of unemployment compensation benefits is provided.

[AB 237 \(Gray, Chapter 740\) Public employment: unfair practices: health protection](#)

Prohibits California public employers, as specified, from discontinuing employer contributions for health care coverage for employees who, during the duration of a strike, fall below the minimum hours worked to qualify for employee health care coverage.

[AB 654 \(Reyes, Chapter 522\) COVID-19: exposure: notification](#)

Clarifies and strengthens provisions enacted in 2020 relating to workplace COVID-19 exposure notifications, which (1) adds renewable natural gas to the list of utilities that the Division of Occupational Safety and Health (Cal/OSHA) are not allowed to interrupt; (2) requires employers, when giving notice to the local public health agency of a COVID-19 outbreak, to give that notice within 48 hours or one business day, whichever is later; and (3) enacts a sunset date of January 1, 2023, on these provisions.

[AB 845 \(Rodriguez, Chapter 122\) Disability retirement: COVID-19: presumption](#)

Establishes a rebuttable presumption, until January 1, 2023, that a COVID-19 related disability is employment-related for purposes of determining a disability retirement for public retirement system members.

[AB 1031 \(Villapudua, Chapter 204\) State agencies: interns and student assistants: hiring preference](#)

Requires state agencies to give preference to a qualified applicant who has been a victim of human trafficking when hiring for internships and student assistant



positions and defines "human trafficking" to mean a victim of an offense described in the Penal Code Section 236.1.

[SB 142 \(Committee on Budget and Fiscal Review, Chapter 39\) State employment: State Bargaining Units](#)

Makes necessary statutory changes to ratify and implement memoranda of understanding (MOUs), addenda and side letters between 19 bargaining units (BUs) and the state.

**Effective Date:** June 30, 2021

[SB 159 \(Committee on Budget and Fiscal Review, Chapter 42\) State Employment: State Bargaining Unit 6](#)

Makes necessary statutory changes to ratify and implement the side letter agreement to the memorandum of understanding (MOU) between Bargaining Unit 6 (Corrections) and the state.

**Effective Date:** July 1, 2021

[SB 270 \(Durazo, Chapter 330\) Public employment: labor relations: employee information](#)

Authorizes public employee unions to file a special unfair labor practices charge before the Public Employment Relations Board (PERB) against public employers that fail to comply with existing law requiring disclosure of employee information to public employee unions. This bill requires PERB to levy a civil penalty not to exceed \$10,000 if the employer is in violation of the disclosure requirements. PERB shall award the prevailing parties' attorney's fees and costs, as specified, and shall also receive its own attorney's fees and costs, as specified, if required to seek enforcement of or defend its decisions in superior court.

[SB 606 \(Gonzalez, Chapter 336\) Workplace safety: violations of statutes: enterprise-wide violations: employer retaliation](#)

Expands the authority of the Division of Occupational Safety and Health (Cal/OSHA) by creating a new "egregious violation" category in Labor Code and creating a new category of "enterprise-wide" citations that face different appeal and abatement requirements.

[SB 639 \(Durazo, Chapter 339\) Minimum wages: persons with disabilities](#)

Requires the development of a plan to phase out the use of the subminimum wage certificate program, which authorizes employers to pay less than minimum wage for employees with physical or mental disabilities, as defined, by January 1, 2025. This bill requires the plan be posted online and reported to the Legislature by January 1, 2024. This bill further requires that no new licenses for the subminimum wage certificate program be issued beginning January 1, 2022 and requires existing license holders to meet benchmarks provided for in the phaseout plan in order to be relicensed.

[SB 646 \(Hertzberg, Chapter 337\) Labor Code Private Attorneys General Act of 2004: janitorial employees](#)

Allows janitorial employees who are covered by a collective bargaining agreement that meets certain conditions to be exempt from filing a lawsuit against their employer under the Private Attorneys General Act of 2004.

[SB 657 \(Ochoa Bogh, Chapter 109\) Employment: electronic documents](#)

Provides that in instances where an employer is required to physically post information, an employer may also distribute that information to employees by email with the document or documents attached. Distribution by email shall not alter the employer's obligation to physically display the required posting.

[SB 727 \(Leyva, Chapter 338\) Labor-related liabilities: direct contractor](#)

Extends, for contracts entered into on or after January 1, 2022, a direct contractor's liability to penalties, liquidated damages, and interest owed by a subcontractor arising out of failure to pay wages, fringe benefits, or contributions earned by workers on a labor project.

**Miscellaneous**

[AB 473 \(Chau, Chapter 614\) California Public Records Act](#)

Recodifies and reorganizes the provisions of the California Public Records Act (CPRA) in the CPRA Recodification Act of 2021 without making any substantive changes to the act and makes related findings.

[AB 474 \(Chau, Chapter 615\) California Public Records Act: conforming revisions](#)

Makes various conforming and technical changes related to another bill, AB 473 (Chau) of the current legislative session that recodifies and reorganizes the California Public Records Act (CPRA).

[AB 480 \(Carrillo, Chapter 743\) Hazardous materials](#)

Authorizes a Unified Program Agency (UPA, or CUPA), in the event of a hazardous waste spill or release that the CUPA reasonably determines poses an imminent and substantial endangerment to public health, to take actions to protect the health and safety of the public.

[AB 938 \(Davies, Chapter 124\) Maintenance of the codes](#)

The annual maintenance of the codes bill containing nonsubstantive changes.

[AB 1220 \(Rivas, Luz, Chapter 398\) Homelessness: California Interagency Council on Homelessness](#)

Renames the Homeless Coordinating and Financing Council (HCFC) as the Interagency Council on Homelessness (ICH), reconstitutes its membership, and requires it to consult with a specified advisory group of stakeholders, including DSH.

[AB 1578 \(Committee on Judiciary, Chapter 401\) Judiciary omnibus](#)

Makes nearly two-dozen technical and generally non-controversial changes to various code sections related to the jurisdiction of the Assembly Judiciary Committee.

[SB 129 \(Skinner, Chapter 69\) Budget Act of 2021](#)

Budget Bill Junior associated with the Budget Act of 2021. This bill makes technical and substantive changes to the Budget Act.

**Effective Date:** July 12, 2021

[SB 607 \(Min, Chapter 367\) Business and Professions](#)

Makes statutory updates, technical corrections, and noncontroversial changes to various provisions of law relating to boards and bureaus under the Department of Consumer Affairs (DCA).

## VETOED LEGISLATION

*This section includes bills relating to mental health, public safety, and other general government issues that would have impacted DSH but were vetoed by the Governor.*

### [AB 105 \(Holden\) The Upward Mobility Act of 2021: boards and commissions: civil service: examinations: classifications](#)

Would have required diversity appointments to California's governmental volunteer boards, as specified. This bill also modifies state civil service examination processes, as specified, to promote diverse appointments to California civil service positions. This bill also requires state agencies to collect and report diversity data in state employment, as specified.

### [AB 279 \(Muratsuchi\) Intermediate care facilities and skilled nursing facilities: COVID-19](#)

Would have prohibited the owner of an Intermediate Care Facility (ICF) or a Skilled Nursing Facility (SNF) from terminating, or making significant changes to, its skilled nursing or supportive care services during the state of emergency related to coronavirus disease 2019 (COVID-19) unless the owner files a bankruptcy petition. Requires facility owners to notify all residents and their representatives of any resident's COVID-19 infection.

### [AB 990 \(Santiago\) Prisons: inmate visitation](#)

Would have established the right of visitation as a protected civil right for people that are incarcerated, as specified. Changes the standard of review for when a custodial authority seeks to limit the civil rights of incarcerated individuals, as specified. Restricts the power of CDCR to deny a person visitation rights.

### [SB 76 \(Nielsen\) Excluded employees: binding arbitration](#)

Would have established the Excluded Employee Arbitration Act to provide state excluded employees, such as managers and supervisors, the option of requesting binding arbitration as a method for resolving disputes with their employers after first exhausting the current grievance resolution procedures and, among other things, includes a sunset date of January 1, 2027.

### [SB 549 \(Jones\) Social workers: essential workers](#)

Would have required social workers, if they are deemed essential workers during a state of emergency declared by the Governor, as provided, to receive emergency materials, including, but not limited to personal protective equipment, medicines, and other health and safety equipment necessary to fulfill their critical work.

### [SB 788 \(Bradford\) Workers' compensation: risk factors](#)

Would have prohibited the reduction (or apportionment) of permanent disability benefits on the basis of race, religious creed, color, national origin, age, gender, marital status, sex, sexual identity, sexual orientation, or genetic characteristics.

## **TWO-YEAR LEGISLATION**

### **Tracked by the Department of State Hospitals**

*This section includes bills currently being tracked by DSH that are still eligible for consideration in 2022 as two-year legislation. The bills are sorted into two groups – Cleared House of Origin and Has Not Cleared House of Origin. Bills that have cleared their house of origin have until August 31, 2022 to pass the Legislature. Bills that have not cleared their house of origin, must pass their house of origin by January 31, 2022 to continue moving forward in the legislative process.*

#### **Cleared House of Origin**

##### [AB 4 \(Arambula\) Medi-Cal: eligibility](#)

Would extend, beginning January 1, 2022, eligibility for full scope Medi-Cal benefits to anyone regardless of age, and who is otherwise eligible for those benefits but for their immigration status.

##### [AB 254 \(Jones-Sawyer\) Contraband in state prisons](#)

Would require CDCR to revise its policies to include searches of all persons entering CDCR adult facilities.

##### [AB 282 \(Lackey\) Misdemeanor diversion](#)

Would prohibit a judge from offering misdemeanor diversion to a person charged with driving under the influence of drugs and/or alcohol (DUI).

##### [AB 316 \(Cooper\) State employees: pay equity: under-represented groups](#)

Would require state agencies to submit information pertaining to their progress toward gender and ethnic pay equity and gender and minority workforce representation to the California Department of Human Resources (CalHR) so that CalHR can prepare a report thereon and develop plans for agencies to achieve pay equity and workforce representation. This bill would also require each state agency head or their representative to present CalHR's findings regarding the agency's efforts toward pay equity and workforce representation to the Legislature's budget subcommittees when the budget subcommittees are hearing the agency's budget.

##### [AB 383 \(Salas\) Behavioral health: older adults](#)

Would establish within the Department of Health Care Services (DHCS) an Older Adult Behavioral Health Services Administrator to oversee behavioral health services for older adults, as specified. The bill would require that position be funded with administrative funds from the Mental Health Services (MHS) Fund.

[AB 562 \(Low\) Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: health care providers: mental health services](#)

Would require the director of the Department of Consumer Affairs to establish a program to provide mental health services to specified frontline health care licensees treating patients with COVID-19.

[AB 657 \(Cooper\) State civil service system: personal services contracts: professionals](#)

Would prohibit a state agency from entering into a personal services contract with a physician and surgeon, dentist, clinical psychologist, clinical social worker, or pharmacist for a period of more than 365 consecutive days or for a period of 365 nonconsecutive days in a 24-month period. The bill would require each state agency that has a contract with a professional pursuant to these provisions to prepare a monthly report to the exclusive bargaining representative for the professional, if the professional is represented, providing specified information. This bill would also require a state agency that uses a personal services contract for an employee position that has a budgetary allocation to provide quarterly reports including certain information to the applicable employee organization that represents employees who provide the same or similar services.

[AB 669 \(Lackey\) Firearms: unsafe handguns](#)

Would exempt the sale or purchase of a handgun, not on the Department of Justice (DOJ) roster of not unsafe handguns, by a county probation department for use by, sold to, or purchased by any sworn member thereof who has satisfactorily completed the firearms portion of a training course prescribed by the Commission on Peace Officer Standards and Training (POST), and who as a condition of carrying that handgun, completes a live-fire qualification prescribed by their employing entity at least once every three months.

[AB 717 \(Stone\) Prisoners: identification cards](#)

Would require CDCR to make all reasonable efforts to ensure that all inmates released from state prison are released with a valid California identification card or a duplicate or renewal driver's license, unless an inmate willfully chooses to not obtain a California identification card or driver's license.

[AB 778 \(Garcia, Eduardo\) Institutional purchasers: purchase of California-grown agricultural food products](#)

Would expand the current law requirement that all state-owned or state-run institutions that purchase agricultural food products to only purchase California grown or produced products to include public universities and colleges and school districts.

[AB 814 \(Levine\) Personal information: contact tracing](#)

Would restrict the use of data collected for contact tracing and limit who may engage in conducting contact tracing.

[AB 852 \(Wood\) Nurse practitioners: scope of practice: practice without standardized procedures](#)

Would add the new category of nurse practitioners (NPs) who are authorized to practice independently starting January 1, 2023, to provisions of law that include physician and surgeons and other relevant health care licensees, corrects a drafting error related to the conditions when an independent NP must refer to a physician and surgeon, adds the new independent NPs to pharmacy definitions for prescribers, and makes other technical and clarifying changes.

[AB 858 \(Jones-Sawyer\) Employment: health information technology: clinical practice guidelines: worker rights](#)

Would prohibit a general acute care hospital (GACH) from limiting a worker providing direct patient care from exercising independent clinical judgement and prohibits a GACH from retaliating against a worker providing direct patient care for overriding health information technology and clinical practice guidelines.

[AB 931 \(Villapudua\) Peace officer training: duty to intercede](#)

Would require the Commission on Peace Officers Standards and Training (POST) to develop training on the duty to intercede and requires specified peace officers to complete an updated course of instruction on the duty to intercede every two years.

[AB 937 \(Carrillo\) Immigration enforcement](#)

Would eliminate the existing ability under the Values Act for law enforcement agencies to cooperate with federal immigration authorities by giving them notification of release for inmates or facilitating inmate transfers and to prohibit all state and local agencies from assisting, in any manner, the detention, deportation, interrogation, of an individual by immigration enforcement.

[AB 960 \(Ting\) Medical parole](#)

Would create a medical parole panel at each CDCR prison. Would expand the criteria for medical parole.

[AB 998 \(Lackey\) Incarcerated persons: health records](#)

Would facilitate the sharing of mental health records of a person transferred from or between CDCR, DSH, and county agencies.

[AB 1007 \(Carrillo\) Forced or Involuntary Sterilization Compensation Program](#)

Would establish the Forced or Involuntary Sterilization Compensation Program to provide compensation to those who were forcibly sterilized under California's eugenic laws, as well as those sterilized without medical necessity or demonstrated informed consent while incarcerated.

**Note:** The contents of this bill were enacted in AB 137 (see Enacted Legislation).

[AB 1041 \(Wicks\) Employment: leave](#)

Would add a “designated person” to the list of individuals for whom an employee may take leave to care for under the California Family Rights Act (CFRA) and the Healthy Workplaces, Healthy Families Act of 2014 (Paid Sick Days). This bill would define “designated person” as a person identified by the employee at the time of the request and allows employers to limit the employee to one designated person per 12-month period.

[AB 1214 \(Waldron\) Medi-Cal eligibility](#)

Would require an individual who otherwise meets Medi-Cal eligibility but for their commitment in a in a state prison or county jail (correctional facility) to be eligible for the Medi-Cal program for 30 days prior to the date they are released from a correctional facility.

[AB 1306 \(Arambula\) Health Professions Careers Opportunity Program](#)

Would permit the Office of Statewide Health Planning and Development to fund pilot programs at college campuses through the Health Professions Career Opportunity Program.

[AB 1323 \(Chiu\) Department of Technology: modernization: state information technology contracts](#)

Would require the Department of Technology (CDT) to identify, assess, and prioritize legacy information technology (IT) system modernization efforts across state government, to analyze all existing state IT contracts to identify candidate services that can be centralized or eliminated due to redundancy, and to work with other agencies and the Legislature to evaluate options to modernize state government IT project approval and oversight processes.

[AB 1429 \(Holden\) State agency records: Records Management Coordinator duties: personnel training](#)

Would require state agency personnel to receive records management training, as specified, including one hour of training within 60 days of employment and complete a 30-minute refresher records management training biennially thereafter.

[SB 39 \(Grove\) Fraudulent claims: inmates](#)

Would require CDCR, at least every 90 days, to provide the names and social security numbers of current inmates to the Employment Development Department (EDD) for the purpose of preventing fraudulent unemployment claims.

[SB 40 \(Hurtado\) Health care workforce development: California Medicine Scholars Program](#)

Would establish the California Medicine Scholars Program (CMSP) within the Office of Statewide Health Planning and Development (OSHDP) to establish a regional pipeline program for community college students to pursue premedical training and enter medical school.



[SB 284 \(Stern\) Workers' compensation: firefighters and peace officers: post-traumatic stress](#)

Would expand an existing industrial injury rebuttable presumption for a diagnosis of a post-traumatic stress disorder (PTSD) to additional firefighter's public safety officers.

[SB 299 \(Leyva\) Victim compensation: use of force by a law enforcement officer](#)

Would allow eligibility for compensation under the California Victim Compensation Program (CalVCP) for serious bodily injury or death caused by a law enforcement officer's use of force.

[SB 335 \(Cortese\) Workers' compensation: liability](#)

Would reduce the time period an employer has to deny liability for a workers' compensation claim from 90 to 45 days, or 30 days for a workers' compensation claim for specified presumptive injuries. This bill would further require that a compensation claim which has been unreasonably delayed or refused have its award increased by 10%.

[SB 340 \(Stern\) Lanterman-Petris-Short Act: hearings](#)

Would permit a family member, friend, or acquaintance with personal knowledge of a person receiving treatment to make a request to testify in a judicial review proceeding, as specified.

[SB 401 \(Pan\) Psychology: unprofessional conduct: disciplinary action: sexual acts](#)

Would revise and recast the circumstances under which specified sexual acts constitute unprofessional conduct.

[SB 422 \(Pan\) Personal services contracts: state employees: physician and professional registry](#)

Would create a health professional registry of existing state employees available for secondary, temporary work.

[SB 516 \(Eggman\) Certification for intensive treatment: review hearing](#)

Would permit evidence considered in a certification review hearing under the LPS Act to include information regarding a person's medical condition, as defined, and how that condition bears on certifying the person as a danger to self or others, or as gravely disabled.

[SB 731 \(Durazo\) Criminal records: relief](#)

Would permit additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks.

## **Has Not Cleared House of Origin**

### **[AB 6 \(Levine\) Health facilities: pandemics and emergencies: best practices](#)**

Would require, by July 1, 2022, the California Department of Public Health (CDPH) and the Department of Social Services (DSS) to collaborate to create health and safety guidelines and a description of best practices for use by various residential facilities that provide post-acute care during a pandemic or other public health crisis, including when there is a surge in patients.

### **[AB 17 \(Cooper\) Peace officers: disqualification from employment](#)**

Would disqualify a person from being a peace officer if the person has been discharged from the military for committing an offense that would have been a felony if committed in California or if the person has been certified as a peace officer and has had that certification revoked by the Commission on Peace Officer Standards and Training.

### **[AB 18 \(Lackey\) Sexual assault forensic evidence: testing](#)**

Would require a law enforcement agency to submit sexual assault forensic evidence received prior to January 1, 2016 to a crime lab for testing and requires the crime lab to process that kit and upload DNA profiles to the Combined DNA Index System (CODIS).

### **[AB 23 \(Chen\) Benefits: eligibility determination: inmates](#)**

Would, beginning July 1, 2021, require the Employment Development Department, as part of its process for determining eligibility for unemployment insurance benefits, cross-check all claimant information with state and county correctional facility inmate data in an effort to detect fraudulent applications.

### **[AB 25 \(Kiley\) Worker classification: employees and independent contractors](#)**

Would generally repeal provisions relating to the “ABC” test for various specified occupations and business relationships. The bill would, instead, require the determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in Borello, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors. The bill would make related, conforming changes.

### **[AB 53 \(Low\) Election day holiday](#)**

Would eliminate Washington Day and instead makes the November statewide general election (Election Day) a state holiday in even-numbered years. This bill maintains Washington Day as a state holiday in odd-numbered years when there is no statewide general election.

### **[AB 55 \(Boerner Horvath\) Employment: telecommuting](#)**

Spot bill stating that it is the intent of the Legislature to enact future legislation to ensure certain rights and benefits for telecommuting employees.

#### [AB 60 \(Salas\) Law enforcement](#)

Would disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated by a military tribunal as having committed an offense that would have been a felony if committed in this state. The bill would also disqualify any person who has been certified as a peace officer by the Commission on Peace Officer Standards and Training and has had that certification revoked by the commission.

#### [AB 94 \(Jones-Sawyer\) Correctional officers](#)

Would require a correctional officer employed by CDCR to undergo an annual mental health evaluation.

#### [AB 95 \(Low\) Employees: bereavement leave](#)

Would require an employer, including any public sector employer, to provide up to 10 business days of unpaid bereavement leave upon the death of a spouse, child, parent, parent-in-law, sibling, grandparent, grandchild or domestic partner. This leave does not need to be consecutive but must be completed within three months of the death of the family member. This bill would also authorize an employee, whose employer discharges, disciplines or discriminates against them because they took bereavement leave, to file a complaint with the Labor Commissioner or to bring a civil action without exhausting any administrative remedies.

#### [AB 112 \(Holden\) Medi-Cal eligibility](#)

Would extend, from one year to three years, the duration during which Medi-Cal benefits are suspended when an adult becomes an inmate of a public institution. It would also modify the suspension of Medi-Cal benefits for juveniles, ending a suspension when a juvenile is no longer an incarcerated or three years after they are no longer an eligible juvenile, whichever is sooner.

#### [AB 230 \(Voepel\) Employment: flexible work schedules](#)

Would enact the Workplace Flexibility Act of 2021. The bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek and would allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday, except as specified. The bill would require that the flexible work schedule contain specified information and the employer's and the employee's original signature. The bill would also require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.

#### [AB 266 \(Cooper\) Violent felonies: hate crimes](#)

Would add felony hate crimes to the list of violent felonies.

#### [AB 269 \(Patterson\) Nursing: licensure: renewal fees: reduced fee](#)

Would authorize the Board of Registered Nursing (BRN) to reduce the license renewal fee for a registered nurse (RN), but no less than one-half, if the RN meet

specified retirement conditions and only provides services for free or for nominal charges.

[AB 327 \(Kiley\) COVID-19 vaccination status: prohibition on required disclosure](#)

Would prohibit state agencies, local governments, and any other state governmental authority from adopting or enforcing any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.

[AB 346 \(Seyarto\) Privacy: breach](#)

Would make the Information Practices Act of 1977 applicable if information is accessed by an unauthorized person.

[AB 410 \(Fong\) Licensed registered nurses and licensed vocational nurses: Nurse Licensure Compact](#)

Would enact the Nurse Licensure Compact, under which the Board of Registered Nursing and the Board of Vocational Nursing and Psychiatric Technicians would be authorized to issue a multistate license that would authorize the holder to practice as a registered nurse or a licensed vocational nurse, as applicable, in all party states under a multistate licensure privilege, as specified.

[AB 415 \(Rivas, Robert\) Employment: workers' compensation](#)

Would create a workers' compensation presumption for certain employees of a city, county, city and county, district, or other municipal corporation or political subdivision regularly exposed to active fires or health hazards directly resulting from firefighting operations, to include cancer that develops or manifests during a period in which the individual demonstrates that they were exposed to a known carcinogen while in the employment of the city, county, city and county, district, or other municipal corporation or political subdivision.

[AB 449 \(Voepel\) COVID-19: death data: hospital reporting](#)

A spot bill that states it is the intent of the Legislature to enact legislation to require hospitals to submit an annual report to the Legislature commencing in 2022 that includes the number of patient deaths from COVID-19 in the hospital, the reimbursement that the hospital has received from treating COVID-19 patients from 2020 to 2021, inclusive, and the gender demographic data for patients who have died due to COVID-19.

[AB 458 \(Kamlager\) Importation of prescription drugs](#)

Would create the Affordable Prescription Drug Importation Program in the California Health and Human Services Agency (CHHSA), under which the state would be a licensed wholesaler that imports prescription drugs, as specified, for the exclusive purpose of dispensing those drugs to program participants.

[AB 513 \(Bigelow\) Employment: telecommuting employees](#)

Would authorize an employee working from home or a remote location not at the physical location of the employer to receive legally required notices and postings electronically and sign or acknowledge certain documents electronically. The bill would also authorize an employee who works from home or a remote location to have any wages due at the time of separation of employment mailed to the employee using the address the employer has on file for the employee for sending notices. The bill would require the wages to be deemed paid on the date of mailing.

[AB 548 \(Carrillo\) Unemployment compensation benefits: overpayments](#)

Would modify the 30% unemployment compensation overpayment penalty assessment to be a one-time penalty, to the extent required by federal law.

[AB 574 \(Chen\) Guardians ad litem: mental illnesses](#)

Would establish an additional procedure under the LPS Act for the appointment of a guardian ad litem for a person who lacks the capacity to make rational informed decisions regarding medical care, mental health care, safety, hygiene, shelter, food, or clothing with a rational thought process due to a mental illness, defect, or deficiency.

[AB 581 \(Irwin\) Cybersecurity](#)

Would require, no later than July 1, 2022, all state agencies review and implement guidelines published by the National Institute of Standards and Technology (NIST) for reporting, coordinating, publishing and receiving information about the security vulnerabilities of state information technology (IT) systems. This bill would also require the Office of Information Security (OIS) to review the NIST guidelines established pursuant to the federal Internet of Things (IoT) Cybersecurity Improvement Act, and create, update and publish any appropriate standards or procedures in the State Administrative Manual (SAM) and State Information Management (SIMM) no later than April 1, 2022.

[AB 596 \(Nguyen\) Appointed legal counsel](#)

Would require an attorney, who is appointed under the Guardianship-Conservatorship Law and determines that a conservatee or proposed conservatee is unable to communicate, to report the nature of that inability to the court, and would require the court, upon a determination of the inability to communicate, to discharge the appointed attorney and appoint a guardian ad litem.

[AB 650 \(Muratsuchi\) Employer-provided benefits: health care workers: COVID-19: hazard pay retention bonuses](#)

Would require health care employers to provide hazard pay retention bonuses to specified health care workers on January 1, 2022, April 1, 2022, July 1, 2022, and October 1, 2022. Would permit an employer to seek an exemption in whole or in part from the payment of bonuses based on an inability to pay.

[AB 655 \(Kalra\) California Law Enforcement Accountability Reform Act](#)

Would require a public agency that hires or employs a peace officer to investigate any prospective or current peace officer for any involvement in a hate group.

[AB 662 \(Rodriguez\) Mental health: dispatch and response protocols: working group](#)

Would require the Health and Human Services Agency to convene a working group no later than July 1, 2022, to examine existing dispatch and response protocols when providing emergency medical services (EMS) to an individual who may require evaluation and treatment for a mental health disorder, including and evaluation of the efficacy of innovative local models, including Crisis Intervention Teams, for responding and providing services to people experiencing mental health or substance abuse crises in use in local jurisdictions within and outside of California.

[AB 679 \(Friedman\) Criminal trials: testimony of in-custody informants](#)

Would prohibit the use of testimony by in-custody informants, with specified exceptions.

[AB 681 \(Ramos\) Mental health: information sharing](#)

Would require the Department of Justice to provide to the State Department of Health Care Services a copy of reports submitted by designated facilities who, within 24 hours of admitting an individual subject to firearm prohibitions under the LPS Act, to submit a report to the Department of Justice that contains specified information, including the identity of the person.

[AB 705 \(Kamlager\) Health care: facilities: medical privileges](#)

Would prohibit a health facility from requiring a physician or surgeon, as a condition of obtaining or maintaining clinical privileges, to agree to comply with criteria, rules, regulations, or other policies or procedures that are not knowingly and explicitly ratified, issued, or promulgated by the medical staff, that directly or indirectly prohibit, limit, or restrict the ability of the physician or surgeon to provide a particular medical treatment or service that falls within the scope of their privileges, or from requiring a physician or surgeon to obtain permission from a nonphysician or non-surgeon to perform a particular medical treatment or service for which consent has been obtained from the patient or the patient's representative, except as provided. The bill would prohibit a health facility from limiting or otherwise exercising control over the independent professional judgment of a physician or surgeon concerning the practice of medicine or the diagnosis or treatment of disease, if the physician or surgeon, exercising their independent professional judgment, determines that a particular medical service or treatment is medically appropriate, unless specified circumstances apply.

[AB 821 \(Cooper\) Sexually violent predators: placement outside county of domicile: notice and hearing](#)

Would require advance notice, as specified, if an SVP is to be released to a county other than their county of domicile. The bill would require the local jurisdiction to give public notice of the intended release and allow for public comment, as specified. The bill would require the court to hold an evidentiary hearing to determine if extraordinary circumstances exist.

[AB 876 \(Gabriel\) Firearms](#)

Would require, commencing July 1, 2023, all handguns, except revolvers, that are purchased or acquired by any law enforcement agency of a state, county, city, or city and county be equipped with microstamping technology within 90 days of acquisition.

[AB 884 \(Patterson\) State agencies: audits](#)

Would require every state agency with an aggregate spending of \$50 million or more annually to establish an ongoing audit function and expands the application of the Bagley-Keene Open Meeting Act (Bagley-Keene Act).

[AB 929 \(Levine\) State government: travel](#)

Spot bill that states the intent of the Legislature to enact legislation that would prohibit state-sponsored travel to any state that enacts any law that limits or reduces access to voting.

[AB 1025 \(Rivas, Robert\) Institutional purchasers: purchase of domestic agricultural food products](#)

Would require all California state-owned or state-run institutions, all segments of public postsecondary education, and all local educational agencies that solicit bids for the purchase of an agricultural food product to purchase agricultural food products grown, packed, or processed domestically, unless either the bid or price of the nondomestic agricultural food product is more than 25% lower than the bid or price of the domestic agricultural food product or the quality of the domestic agricultural food product is inferior to the quality of the agricultural food product grown, packed, or produced non-domestically. The bill would provide that the bill's provisions neither limit nor expand California's obligations under the Agreement on Government Procurement of the World Trade Organization. The bill would define "agricultural food product" for these purposes.

[AB 1032 \(Cooper\) State employees: active-duty order: pay and benefits](#)

Would extend the period of compensation (i.e., pay, benefits, and reimbursement of the insurance premium for a federally sponsored income protection program) that a state employee, who is a member of the California National Guard or United States (U.S.) military reserve organization and ordered to active duty by the U.S. President, as specified, is entitled to receive from 180 calendar days to 365 calendar days; authorizes the Governor to, by executive order, extend the period

of time a state employee may receive benefits up to 1,460 calendar days, and makes conforming changes for these purposes.

[AB 1054 \(Arambula\) Skilled nursing facilities: intermediate care facilities: feeding assistants](#)

Would authorize a skilled nursing facility or intermediate care facility to adopt a feeding assistant training program and would require the department to approve a feeding assistant training program for facilities to adopt that meets specified requirements. The bill would require skilled nursing facilities and intermediate care facilities that utilize feeding assistants to comply with certain requirements, including that a feeding assistant only provide dining assistance for residents who have no complicated feeding problems. The bill would also specify that hours of care provided by a feeding assistant may be used in determining whether a facility satisfies direct care service hour, or nursing hour, per patient day requirements.

[AB 1063 \(Voepel\) State employment: memoranda of understanding: ancillary agreements](#)

Would require any side letter, appendix, or other addendum to a properly ratified memorandum of understanding that is not already contained in the original memorandum of understanding or the Budget Act be provided by the Department of Human Resources to the Joint Legislative Budget Committee.

[AB 1217 \(Rodriguez\) Personal protective equipment: stockpile](#)

Would authorize the State Department of Public Health (CDPH) to rotate personal protective equipment (PPE) in the state's stockpile by selling the PPE to a non-profit agency, local government or provider, and by contracting to purchase PPE on behalf of a local government or provider.

[AB 1225 \(Waldron\) The Dignity for Incarcerated Women Act](#)

Would expand services and treatment of incarcerated women and incarcerated pregnant persons within CDCR facilities.

[AB 1236 \(Ting\) Healing arts: licensees: data collection](#)

Would require health care regulatory boards under the jurisdiction of the Department of Consumer Affairs (DCA) to collect demographic information from its licensees and registrants, as specified. Would require such boards to post de-identified, aggregate information on the data collected on their websites, and to transmit the data to the Office of Statewide Health Planning and Development (OSHDP) beginning July 1, 2022.

[AB 1340 \(Santiago\) Mental health services](#)

Would expand the definition of "gravely disabled" under the LPS Act to also include a condition in which a person, as a result of a mental health disorder, is unable to provide for their basic personal needs for medical treatment, as defined, if the failure to receive medical treatment is either for an existing life-threatening medical condition or the person is in imminent danger of physical injury or life-



threatening medical condition and there is a substantial and imminent risk, in either instance, of either death or prolonged hospitalization.

[AB 1502 \(Muratsuchi\) Freestanding skilled nursing facilities](#)

Would prohibit a person, firm, entity, partnership, trust, association, corporation, or political subdivision of the state, or other governmental agency within the state from acquiring, operating, establishing, managing, conducting, or maintaining a freestanding skilled nursing facility without first obtaining a license from the State Department of Public Health for that purpose.

[SB 30 \(Cortese\) Building decarbonization](#)

Would, on or after January 1, 2022, prohibit a state agency from designing or constructing a state facility that is connected to the natural gas grid. The bill would require the department to develop the California State Building Decarbonization Plan that will lead to the operational carbon-neutrality of all state-owned buildings by January 1, 2035. The bill would, except as provided, prohibit state agencies from providing funding or other support for projects for the construction of residential and nonresidential buildings that are connected to the natural gas grid.

[SB 102 \(Melendez\) COVID-19 emergency order violation: license revocation](#)

Would prohibit the Department of Consumer Affairs (DCA), certain boards within DCA, and the Department of Alcoholic Beverage Control (ABC) from revoking a license or imposing a fine or penalty for failure to comply with any COVID-19 state of emergency orders or COVID-19 stay-at-home orders unless the board or department can prove that lack of compliance resulted in transmission of COVID-19.

[SB 213 \(Cortese\) Workers' compensation: hospital employees](#)

Would create rebuttable presumptions that infectious disease, COVID-19, cancer, musculoskeletal injury, post-traumatic stress disorder or respiratory disease are occupational injuries for a direct patient care worker employed in an acute care hospital and are therefore eligible for workers' compensation benefits.

[SB 243 \(Wiener\) Trial testimony: expert witnesses: writ of habeas corpus](#)

Would expand the definition of false evidence in a trial to include the opinions of experts that are undermined by scientific research that existed at the time of the expert's testimony and opinions for which a reasonable dispute has emerged within the expert's relevant scientific community as to the validity of the methods or theories upon which the expert based their opinion.

[SB 377 \(Archuleta\) Radiologist assistants](#)

Would establish title protection for radiologist assistants by prohibiting a person from holding themselves out a radiologist assistant or using the title "Radiologist Assistant" or any other term to imply or to suggest that the person is a radiologist assistant (RA), unless the person meets specified requirements.

# **Legislative Summary Report**



## **2021 Legislative Year**

**2021 Legislation Affecting the  
Department of State Hospitals**