

POLICY & PLANNING COMMITTEE

Meeting Summary – November 8, 2023

COMMISSIONERS REPRESENT: Tony Bell, Bruce Boardman, Deena Duncan, Christina Gonzales, Jack Hadjinian, Lou La Monte, Tonya McKenzie

GUEST REGISTER: William Gould

MATERIAL DISTRIBUTED: Policy and Planning Committee November 2023 Agenda; Policy and Planning Committee January 2023 Minutes – Draft; Policy and Planning Committee February 2023 Minutes – Draft; Policy and Planning Committee March 2023 Minutes – Draft; Policy and Planning Committee April 2023 Minutes – Draft; Policy and Planning Committee June 2023 Minutes – Draft; Policy and Planning Committee September 2023; Policy and Legislative Updates September 2023

Topic	Discussion/Finding
1. Call to Order & Introduction of Commissioners and Guests	Chair Deena Duncan, County of Los Angeles, the Commission on Alcohol and Other Drugs (CAOD) Policy and Planning Committee convened the meeting at 12:33 p.m. Roll taken and quorum present.
2. Public Comments	No public comments.
3. Action on Approval of Meeting Minutes from January, February, March, April, June, and September 2023 Meeting	Chair Deena Duncan entertained a motion which was moved to approve by Commissioner Tony Bell and seconded by Commissioner Tonya McKenzie. Motion was unanimously carried.
4. Legislative Report/Update	William Gould, Policy and Strategic Initiatives Section, SAPC provided updates on the following: <ul style="list-style-type: none">AB219: Pupil health: opioid antagonists Existing law authorizes school districts, county offices of education, and charter schools to provide emergency naloxone hydrochloride or another opioid antagonist to school nurses or voluntary trained personnel, and authorizes those nurses and voluntary trained personnel to use naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose, as provided. This bill would require each individual public school operated by a school district, county office of education, or charter school to maintain at least two doses of naloxone hydrochloride or another opioid antagonist for purposes of those authorizations. By imposing additional duties on public schools, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory

provisions noted above.

Latest Update:

09/01/23 In committee: Held under submission (Bill has died).

07/10/23 In committee: Referred to APPR. suspense file.

- SB58: Controlled substances: decriminalization of certain hallucinogenic substances.

This bill would decriminalize “psilocybin, psilocyn, dimethyltryptamine (DMT), ibogaine, and mescaline.” The bill has Assembly Member Kalra as Principal coauthor as well as Coauthors: Senators Newman and Smallwood-Cuevas and Assembly Members Haney, Lee, Low, and Wicks. This legislative proposal is similar to a bill in the last legislative session, unsuccessful SB 519. According to the text, this bill will lay the groundwork for California to develop a regulated therapeutic access program for psychedelic plants and fungi. The new bill contains at least two key changes from the measure that advanced last session.

First, it excludes synthetic psychedelics like LSD and MDMA from the list of substances that would be legalized and focused only on those that are derived from plants or fungi. That aligns the legislation more closely with the bulk of local psychedelic decriminalization measures that have been enacted in cities across the U.S. in recent years. Second, the bill no longer includes a provision mandating a study to explore future reforms. The senator had said that the study language was unnecessary given the high volume of research that’s already been done and continues to be conducted.

Latest Update:

09/07/23 Assembly amendments concurred in. (Ayes 21. Noes 14.)

Ordered to engrossing and enrolling.

09/06/23 In Senate. Concurrence in Assembly amendments pending.

09/06/23 Read third time. Passed. Ordered to the Senate.

09/05/23 Read second time. Ordered.

- AB67: Homeless Court Pilot Program.

Program, which would remain in effect until January 1, 2028, to be administered by the

This bill, upon an appropriation from Legislature, would create the Homeless Court Pilot Program would remain in effect until January 1, 2028, to be administered by the Judicial Council for the purpose of providing comprehensive community-based services to achieve stabilization for, and address the specific legal needs of, chronically homeless individuals who are involved with the criminal justice system. The bill would require programs applicant cities or counties seeking grant funds to provide a number of specified services or program components, including, but not limited to, a diversion program enabling participating defendants to have infraction or misdemeanor specified charges dismissed upon completion of a program, provision of supportive housing, as defined, temporary, time-limited, or permanent housing during the duration of the program, and a dedicated county representative to assist defendants with housing needs.. The bill would require an applicant for grant funding under the program to submit a plan for a new homeless court program or expansion of an existing homeless court program, and would require any funding awarded to an applicant to be used in accordance with that plan.

Latest Update:

09/01/23 In committee: Held under submission. (Bill has died).
08/28/23 In committee: Referred to suspense file.
07/12/23 From committee: Do pass and re-refer to Com. on APPR.
(Ayes 4. Noes 0.) (July 11). Re-referred to Com. on APPR.
06/14/23 Referred to Com. on Public Safety.

- AB374: Cannabis: retail preparation, sale, and consumption of noncannabis food and beverage products.

This bill would remove some restrictions on cannabis consumption lounges, allowing operators to serve prepared foods and coffee as well as to host live music events. More specifically it would make possible for a local jurisdiction to allow retailers or microbusiness to conduct business activities on the premises other than the smoking, vaporizing, and ingesting of cannabis or cannabis products, including, but not limited to, selling non-cannabis-infused food, selling nonalcoholic beverages, and allowing, and selling tickets for, live musical or other performances.

Latest Update:

09/11/23 Senate amendments concurred in. To Engrossing and Enrolling.
(Ayes 66. Noes 9.).

09/07/23 In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 9 pursuant to Assembly Rule 77.

09/07/23 Read third time.

- AB1207: Cannabis labeling and advertising.

This bill called “the Cannabis Candy Child Safety Act” would prohibit: cannabis or cannabis products that are attractive to children; advertisement and marketing that is attractive to children; the appearance of a flavor or descriptor of flavor in greater than 8-point font on the package or label of an edible cannabis product; cannabis products intended for use by inhalation or combustion from containing any natural or synthetic flavors or descriptors of flavors. The bill would also require edible cannabis products be composed only of physically separated individual doses and that beverages not exceed one dose per container.

Latest Update:

09/11/23 Read second time. Ordered to third reading.

09/08/23 Read third time and amended. Ordered to second reading.

09/05/23 Read second time. Ordered to third reading.

09/01/23 Read second time and amended. Ordered returned to second reading.

Read second time and amended. Ordered returned to second reading. From committee: Amend, and do pass as amended.
(Ayes 5. Noes 1.)

In committee: Referred to APPR suspense file.

- SB43: Behavioral Health

Existing law, the Lanterman-Petris-Short Act, provides for the involuntary commitment and treatment of a person who is a danger to themselves or others or who is gravely disabled.

Existing law, for purposes of involuntary commitment defines “gravely disabled” as either a condition in which a person, as a result of a mental health disorder, is unable to provide for their basic personal needs for food, clothing, or shelter or has been found mentally incompetent, as specified.

This bill expands the definition of “gravely disabled” to also include a

condition that will result in substantial risk (vs evidence) of serious harm to the physical or mental health of a person due to a mental health disorder or a substance use disorder or both. The bill defines “serious harm” for purposes of these provisions to mean significant deterioration, debilitation, or illness due to a person’s inability to carry out specified tasks, failure to meet certain conditions, including, among other things, attend to needed personal or medical care and attend to self-protection or personal safety. The bill specifies circumstances under which substantial risk (vs evidence) of serious harm may be evidenced, as specified. The bill would make conforming changes. To the extent that this change increases the level of service required of county departments, the bill would impose a state-mandated local program.

Existing law also authorizes the appointment of a conservator, in the County of Los Angeles, the County of San Diego, or the City and County of San Francisco, for a person who is incapable of caring for the person’s own health and well-being due to a serious mental illness and substance use disorder. Existing law establishes the hearsay rule, under which evidence of a statement is generally inadmissible if it was made other than by a witness while testifying at a hearing and is offered to prove the truth of the matter stated. Existing law sets forth exceptions to the hearsay rule to permit the admission of specified kinds of evidence.

Under this bill, for purposes of an expert witness in any proceeding relating to the appointment or reappointment of a conservator pursuant to the above-described provisions, the statements of specified health practitioners or a licensed clinical social worker included in the medical record would not be hearsay. The bill would authorize the court to grant a reasonable continuance if an expert witness in a proceeding relied on the medical record and the medical record has not been provided to the parties or their counsel.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Latest Update:

09/08/23 Ordered to third reading.

09/08/23 Read third time and amended.

09/06/23 Read second time. Ordered to third reading.

09/05/23 Read second time and amended. Ordered to second reading.

09/05/23 From committee: Do pass as amended. (Ayes 11. Noes 0)

- SB65: Behavioral Health Continuum Infrastructure Program.

Existing law authorizes the State Department of Health Care Services to, subject to an appropriation, establish a Behavioral Health Continuum Infrastructure Program. Existing law authorizes the department, pursuant to this program, to award competitive grants to qualified entities to construct, acquire, and

rehabilitate real estate assets or to invest in needed mobile crisis infrastructure to expand the community continuum of behavioral health treatment resources to build or expand the capacity of various treatment and rehabilitation options for persons with behavioral health disorders, as specified

This bill would authorize the department, in awarding the above-described grants, to give preference to qualified entities that are intending to place their projects in specified facilities or properties. The bill would appropriate \$1,000,000,000 from the General Fund to the department for the purpose of implementing the Behavioral Health Continuum Infrastructure Program, for encumbrance during the 2023–24 to 2025–26, inclusive, fiscal years.

Latest Update:

05/18/23 May 18 hearing: Held in committee and under submission. (The Bill has died)

05/12/23 Set for hearing May 18.

04/10/23 April 10 hearing: Placed on APPR suspense file.

- SB76: Alcoholic beverages: music venue license: entertainment zones: consumption.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law provides for various annual fees for the issuance of alcoholic beverage licenses, depending upon the type of license issued. Existing law authorizes the department to issue a music venue license, as defined, that would allow the licensee to sell beer, wine, and distilled spirits at retail for consumption on the premises in a music entertainment facility, as defined.

This bill would authorize a licensee under a music venue license to apply to the department for a caterer's permit that would authorize the sale of beer, wine, and distilled spirits for consumption at events only upon the licensed music entertainment facility premises. The bill would also authorize a music venue license to apply to the department for an event permit, as specified. The bill would impose a fee for a caterer's permit for a licensee under a music venue license and for an event permit for a licensee under a music venue license, which would be deposited in the Alcohol Beverage Control Fund, and would make other conforming changes.

This bill, additionally, would authorize a licensed beer manufacturer, a licensed winegrower, and any on-sale licensee to permit consumers to leave the premises with open containers of alcoholic beverages for consumption off the premises within an entertainment zone, subject to certain conditions. The bill would define "entertainment zone" for purposes of the Alcoholic Beverage Control Act as a zone created by a city, county, or city and county ordinance on or after January 1, 2024, that authorizes consumption of one or more types of alcoholic beverages on public streets, sidewalks, or public rights-of-way in that zone. The bill would require a city, county, or city and county that establishes an entertainment zone to provide specified information relating to the entertainment zone to the department and establish a process or procedure by which persons in

possession of alcoholic beverages in the entertainment zone may be readily identifiable as being 21 years of age or older.

Latest Update:

09/07/23 Ordered to third reading.

09/07/23 Read third time and amended.

09/05/23 Read second time. Ordered to third reading.

09/01/23 Read second time and amended. Ordered to second reading.

- SB234: Opioid antagonists: schools, college campuses, stadiums, concert venues, and amusement parks.

This bill would require each public and elementary and secondary school in the state, including charter schools, to maintain unexpired doses of naloxone hydrochloride or any other opioid antagonist on its school site at all times, and to ensure that at least 2 employees are aware of the location of the naloxone hydrochloride or other opioid antagonist.

This bill would require every campus of the California Community Colleges, the California State University, the University of California, an independent institution of higher education, and a private postsecondary educational institution to maintain unexpired doses of naloxone hydrochloride or any other opioid antagonist on its campus at all times, and to ensure that at least 2 employees are aware of the location of the naloxone hydrochloride or other opioid antagonist. By imposing new duties on community college districts, the bill would impose a state-mandated local program

This bill would require each stadium, concert venue, and amusement park to maintain unexpired doses of naloxone hydrochloride or any other opioid antagonist on its premises at all times, and to ensure that at least 2 employees are aware of the location of the naloxone hydrochloride or other opioid antagonist. The bill would exempt from civil or criminal liability any person who, in good faith and not for compensation, administers naloxone hydrochloride or another opioid antagonist on the premises of a stadium, concert venue, or amusement park, other than an act or omission constituting gross negligence or willful or wanton misconduct.

Latest Update:

09/12/23 Assembly amendments concurred in. (Ayes 39. Noes 0.) Ordered to engrossing and enrolling.

09/11/23 In Senate. Concurrence in Assembly amendments pending.

09/11/23 Read third time. Passed. Ordered to the Senate.

09/06/23 Ordered to third reading.

- SB495: Alcoholic beverages: deliveries: off-sale retail licenses and consumer delivery services permits.

This bill would establish a new license type for a consumer delivery service permit (Type 95) and would set an application fee of \$20,000 and an annual renewal fee of \$1,500. This bill would require, among other things, that the licensee be authorized to sell alcoholic beverages for off-sale. This bill would exempt a licensee from discipline for the delivery or furnishing of an alcoholic beverage to an obviously intoxicated person, or to a person under 21 years of age, if certain requirements are met.

	<p>Latest Update: 06/08/23 Referred to Com. on G.O. 06/01/23 In Assembly. Read first time. Held at Desk. 05/31/23 Read third time. Passed. (Ayes 34. Noes 2. Page 1392.) Ordered to the Assembly. 05/22/23 Read second time. Ordered to third reading.</p> <ul style="list-style-type: none"> SB525: Minimum wage: health care workers. This bill would require a health care worker minimum wage of \$25/hour for hours worked in covered health care employment. It would establish 3 separate minimum wage schedules for covered health care employees, as defined, depending on the nature of the employer. This bill would apply to settings such as covered health care facility employers, as defined, with 10,000 or more full-time equivalent employees (FTEE), hospitals with a high governmental payor mix, specified clinics and all other covered health care facility. The tiered wages would be \$21 per hour from June 1, 2024, to May 31, 2026, inclusive, \$23 per hour from June 1, 2026, to May 31, 2028, inclusive, and \$25 per hour from June 1, 2028, and until as adjusted as specified. The bill would make this minimum wage requirement effective only when a patient care minimum spending requirement applicable to skilled nursing facilities is in effect. <p>The bill would provide that the health care worker minimum wage constitutes the state minimum wage for covered health care employment for all purposes under the Labor Code and the Wage Orders of the Industrial Welfare Commission. The health care worker minimum wage would be enforceable by the Labor Commissioner or by a covered worker through a civil action, through the same means and with the same relief available for violation of any other state minimum wage requirement. By establishing a new minimum wage, the violation of which would be a crime, the bill would impose a state-mandated local program.</p> <p>Latest Update: 09/12/23 Ordered to second reading. 09/12/23 Withdrawn from committee. 09/12/23 Assembly Rule 96 suspended. 09/11/23 From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.</p>
5. Comments from Commissioners on items of interest	No comments from commissioners.
6. Adjournment	<p>Meeting was adjourned at 1:03 p.m.</p> <p>Next meeting: January 10, 2024</p>