

# POLICY & PLANNING COMMITTEE

## Meeting Summary – September 14, 2022

**COMMISSIONERS REPRESENT:** Tony Bell, Deena Duncan, Joseph Essavi, Tonya McKenzie, Dean Nakanishi, Juan Navarro, Sharona R. Nazarian, Mark Ryan, Wendie Warwick, and Howard Winkler

**GUEST REGISTER:** William Gould

**MATERIAL DISTRIBUTED:** Policy and Planning Committee September 2022 Agenda; Policy and Planning Committee July 2022 Minutes – Draft; P&P Handout - Legislative Updates August 2022

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 12:02 p.m.  Roll taken and quorum present.
2. Public comments	No public comments.
3. Approval of Meeting Minutes	Chair Deena Duncan asked for a motion to accept the minutes of the July 2022 meeting.  Chair Deena Duncan entertained a motion which was moved to approve by Commissioner Tony Bell and second by Commissioner Joseph Essavi Motion was carried with three (3) abstentions from Commissioners Dean Nakanishi, Juan Navarro, and Sharona R. Nazarian.
4. Pending Legislation	William Gould, Health Program Analyst II, Policy and Strategic Initiatives Unit Strategic and Network Development Branch for Substance Abuse Prevention and Control (SAPC), provided an update on the following legislation:  <a href="#">SB-57</a> (Wiener) Controlled substances: overdose prevention program. Would, until January 1, 2028, authorize the City and County of San Francisco, the County of Los Angeles, the City of Los Angeles, and the City of Oakland to approve entities to operate overdose prevention programs for persons that satisfy specified requirements, including, among other things, providing a hygienic space supervised by trained staff where people who use drugs can consume pre-obtained drugs, providing sterile consumption supplies, providing access or referrals to substance use disorder treatment, and that program staff be authorized and trained to provide emergency administration of an opioid antagonist, as defined by existing law. The bill would require the City and County of San Francisco, the County of Los Angeles, the City of Los Angeles, and the City of Oakland, prior to authorizing an overdose prevention program in its jurisdiction, to provide local law enforcement officials, local public health officials, and the public with an opportunity to comment in a public meeting. The bill would require an entity operating a program to provide an annual report to the city or the city and county, as specified. The bill would require all local jurisdictions that choose to participate in the overdose prevention program to confer and choose a single independent entity, as specified, to conduct a peer-reviewed study, funded by the participating jurisdictions, of the statewide efficacy of the overdose prevention programs and the community impacts of the programs, to be submitted to the Legislature and the Governor's office on or before January 15, 2027.

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	<p>Latest Update:  08/22/22 Vetoed by the Governor.  08/10/22 Enrolled and presented to the Governor  08/01/22 Assembly amendments concurred in. (Ayes 21. Noes 11.) Ordered to engrossing and enrolling.</p> <p><a href="#">SB 793</a> (Wiener) Alcoholic beverages: music venue license: entertainment zones: consumption. This bill authorizes the Department of Alcoholic Beverage Control to issue a music venue license to allow alcohol to be sold for consumption in music entertainment facilities. The bill would limit a music venue licensee's authorization to sell, serve, and permit consumption of alcoholic beverages to the time period from 2 hours before a live performance until one hour after the live performance, subject to an existing law provision that makes selling, giving, delivering, or purchasing an alcoholic beverage a misdemeanor. 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, 2023, that authorizes consumption of one or more types of alcoholic beverages on public streets, sidewalks, or public rights-of-way in that zone.</p> <p>Latest Update:  09/06/22 Enrolled and presented to the Governor at 3:30 p.m.  08/30/22 Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.  08/30/22 Ordered to special consent calendar.  08/25/22 In Senate. Concurrence in Assembly amend  08/25/22 Read third time. Passed. Ordered to the Senate.  08/18/22 Ordered to third reading.  08/18/22 Read third time and amended.  08/16/22 Read second time. Ordered to third reading.  08/15/22 Read second time and amended. Ordered to second reading.  08/11/22 From committee: Do pass as amended. (Ayes 12. Noes 0.) (August 11).  08/03/22 August 3 set for first hearing. Placed on suspense file.  08/02/22 Read second time and amended. Re-referred to Com. on APPR.  08/01/22 (Received at desk July 5 pursuant</p> <p><a href="#">SB 864</a> (Melendez and Bates): General acute care hospitals: drug screening: Existing law provides for the licensure and regulation of health facilities, including general acute care hospitals, by the State Department of Public Health. A violation of these provisions is a crime.  This bill would require a general acute care hospital to include a urine drug screening for fentanyl if a person is treated at the hospital and the hospital conducts a urine drug screening to assist in diagnosing the patient's condition.</p> <p>Latest Update:  08/22/22 Chaptered by Secretary of State. Chapter 169, Statutes of 2022.  08/22/22 Approved by the Governor.  08/12/22 Enrolled and presented to the Governor  08/04/22 In Senate. Ordered to engrossing and enrolling.  08/04/22 Read third time. Passed  06/30/22 Read second time. Ordered to consent calendar.  06/29/22 From committee: Do pass. Ordered to consent calendar. (Ayes 14. Noes 0.) (June 29).</p>

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	<p><a href="#">SB 930</a> (Wiener): Alcoholic beverages: hours of sale. This bill, beginning January 1, 2025, and before January 2, 2028, would require the Department of Alcoholic Beverage Control to conduct a pilot program that would authorize the department to issue an additional hours license to an on-sale licensee located in a qualified city that would authorize, with or without conditions, the selling, giving, or purchasing of alcoholic beverages at the licensed premises between the hours of 2 a.m. and 4 a.m., a.m. on weekends and specified holidays, and between the hours of 2 a.m. and 3 a.m. on all other days upon completion of specified requirements by the qualified city in which the licensee is located. The bill would impose specified fees related to the license to be deposited in the Alcohol Beverage Control Fund. The bill would require the applicant to notify specified persons of the application for an additional hours license and would provide a procedure for protest and hearing regarding the application. The bill would require the Department of the California Highway Patrol and each qualified city that has elected to participate in the program to submit reports to the Legislature and specified committees regarding the regional impact of the additional hours licenses, as specified. The bill would provide that any person under 21 years of age who enters and remains in the licensed public premises during the additional serving hour without lawful business therein is guilty of a misdemeanor, as provided. The pilot program would apply to the Cities of Palm Springs and West Hollywood and the City and County of San Francisco.</p> <p>Latest Update:  08/24/22 Motion to reconsider made by Assembly Member Haney.  08/24/22 Read third time. Refused passage.  08/18/22 Ordered to third reading.  08/18/22 Read third time and amended.(see blue above)  08/16/22 Read second time. Ordered to third reading.  08/15/22 Read second time and amended. Ordered to second reading.  08/11/22 From committee: Do pass as amended. (Ayes 9. Noes 2.) (August 11).  08/03/22 August 3 set for first hearing. Placed on suspense file.</p> <p><a href="#">SB 1016</a> (Portantino): Special education: eligibility: fetal alcohol spectrum disorder: Existing law requires all children with disabilities residing in the state, regardless of the severity of their disabilities, and who are in need of special education and related services, to be identified, located, and assessed. Existing regulations adopted by the State Board of Education provide that a child who is assessed as having a specified health impairment or other health impairment is entitled to special education and related services. Those regulations define “other health impairment” as having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the environment that is due to a chronic or acute health problem and adversely affects the child’s educational performance. This bill would require the state board to include “fetal alcohol spectrum disorder” in that definition of “other health impairment.” By broadening the group of pupils eligible for special education and related services, the bill would impose a state-mandated local program</p> <p>Latest Update:  09/06/22 Enrolled and presented to the Governor at 3:30 p.m.  08/30/22 Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.  08/30/22 Ordered to special consent calendar.  08/22/22 In Senate. Concurrence in Assembly amendments pending.  08/18/22 Ordered to third reading.  08/18/22 Read third time and amended.</p>

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	<p>08/15/22 Read second time. Ordered to third reading.  08/11/22 From committee: Do pass. (Ayes 16. Noes 0.) (August 11).  08/03/22 August 3 set for first hearing. Placed on suspense file.</p> <p><a href="#">SB 1097</a> (Pan): Cannabis and cannabis products: labeling and advertisement: This bill, on and after January 1, 2025, and in addition to the currently prescribed warnings, would require cannabis or a cannabis product, other than those for topical use, to include a warning label that covers at least 1 /3 of the front or principal face of a product, is in 12-point type, is bright yellow, and includes a pictorial or graphic element, and one of a series of warnings. The bill would require the Department of Cannabis Control (DCC), in consultation with the California Department of Public Health (CDPH) and the University of California San Francisco Center for Tobacco Control Research and Education, to either recertify the warnings or provide updated warning label language and designs every 5 years commencing January 1, 2030. This bill would require the DCC, on or before January 1, 2024, and in consultation with the CDPH, to create a single-page flat or folded brochure that includes steps for safer use of cannabis and the set of health warnings required for the labels. The bill would require, on and after March 1, 2024, a retailer or microbusiness selling, or the person delivering, cannabis or cannabis products to a consumer to provide the consumer with the brochure. The bill would require until the brochure is developed, a retailer or microbusiness selling, or person delivering, cannabis or cannabis products to a consumer to provide the consumer with a flier including the health warnings. The bill would require DCC, commencing January 1, 2030, and every 5 years thereafter, to either recertify the information in the brochure or provide updated language, as specified. This bill, on and after January 1, 2024, would require print advertisements and written internet advertisement displays that promote cannabis, a cannabis product, or a cannabis brand, as defined, to include the pictorial or graphic element and the rotating warnings in a manner similar to what is required on the labels, to cover at least 15% of the face of the advertisement.</p> <p>Latest Update:  08/24/22 Ordered to inactive file on request of Assembly Member Reyes.  08/15/22 Read second time. Ordered to third reading.  08/11/22 From committee: Do pass. (Ayes 13. Noes 0.) (August 11).  08/03/22 August 3 set for first hearing. Placed on suspense file.  06/22/22 (Corrected July 7).  06/22/22 Read second time and amended. Re-referred to Com. on APPR.</p> <p><a href="#">SB 1338</a> (Umberg and Eggman): Community Assistance, Recovery, and Empowerment (CARE) Court Program. This bill, would enact the Community Assistance, Recovery, and Empowerment (CARE) Act, which would authorize specified persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan and implement services, to be provided by county behavioral health agencies, to provide behavioral health care, including stabilization medication, housing, and other enumerated services to adults who are currently experiencing a severe mental illness and have a diagnosis of schizophrenia spectrum and psychotic disorders and who meet other specified criteria. The bill would specify the process by which the petition is filed and reviewed, including requiring the petition to be signed under penalty of perjury, and to contain specified information, including the facts that support the petitioner's assertion that the respondent meets the CARE criteria. The bill would also specify the schedule of review hearings required if the respondent is ordered to comply with an up to one-year CARE plan by the court. The bill would make the hearings in a CARE proceeding confidential and not open to the public, thereby limiting public</p>

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	<p>access to a meeting of a public body. The bill would authorize the CARE plan to be extended once, for up to one year, and would prescribe the requirements for the plan. By expanding the crime of perjury and imposing additional duties on the county behavioral health agencies, this bill would impose a state-mandated local program.</p> <p>Latest Update:  09/02/22 Enrolled and presented to the Governor  08/31/22 Assembly amendments concurred in. (Ayes 40. Noes 0.) Ordered to engrossing and enrolling.  08/30/22 In Senate. Concurrence in Assembly amendments pending.  08/30/22 Read third time. Passed.  08/25/22 Ordered to third reading.  08/25/22 Read third time and amended.  08/16/22 Read second time. Ordered to third reading.  08/15/22 Read second time and amended. Ordered to second reading.  08/11/22 From committee: Do pass as amended. (Ayes 13. Noes 0.)  08/03/22 August 3 set for first hearing. Placed on suspense file.</p> <p><a href="#">AB 1860</a> (Ward): Substance use treatment certification. This bill would exempt graduate students participating in supervised internships affiliated with university programs in psychology, social work, marriage and family therapy, or counseling, who are completing supervised practicum hours to meet postgraduate requirements, from the certification requirement.</p> <p>This bill would require exempted programs providing practicum for graduate students to notify the department if a graduate student is removed from the practicum as a result of an ethical or professional conduct violation. This bill would also require the department to report to all department-approved certifying organizations a graduate student who has been removed from practicum as a result of an ethical or professional conduct violation.</p> <p>This bill would prohibit the department from approving a certifying organization that does not, prior to registering or certifying a counselor, contact other department-approved certifying organizations to determine whether an individual has been removed from a postgraduate practicum for an ethical or professional violation.</p> <p>This bill would also require a certifying organization to deny an individual's request for registration if the individual has been removed from a postgraduate practicum for an ethical or professional violation. The bill would require the department to adopt regulations to implement these provisions on or before December 31, 2023.</p> <p>Latest Update  08/31/22 Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 77. Noes 0.).  08/31/22 In Assembly. Concurrence in Senate amendments pending.  08/31/22 Read third time. Passed. Ordered to the Assembly. (Ayes 40. Noes 0.).  08/30/22 Ordered to special consent calendar.  08/23/22 Read second time. Ordered to third reading.  08/22/22 Read third time and amended. Ordered to second reading.  08/15/22 Read second time. Ordered to third reading.  08/11/22 Read second time and amended. Ordered returned  08/11/22 From committee: Amend, and do pass as amended. (Ayes 7. Noes 0.)</p> <p><a href="#">AB 2473</a> (Nazarian): Substance use disorder: counselors: Existing law provides for the licensure and regulation of adult alcoholism or drug abuse recovery or treatment facilities by the State Department of Health Care Services and authorizes the department to enforce those provisions. Existing law also requires the</p>

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	<p>department to require that an individual providing counseling services within a program be certified by a certifying organization approved by the department. This bill would require the department to specify minimum requirements and core competencies for registered and certified counselors, as specified. The bill would require registered and certified counselor curriculums to include, at a minimum, specified elements, including understanding the Diagnostic and Statistical Manual of Mental Disorders and clinical documentation. The bill would prohibit minimum hour requirements for registered counselors from being lower than the minimum hour requirements for certified peer support specialists or other nonclinical behavioral health staffing categories.</p> <p>Latest Update:  09/06/22 Enrolled and presented to the Governor at 4 p.m.  08/25/22 Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 75. Noes 0.).  08/25/22 Assembly Rule 77(a) suspended.  08/24/22 In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 26 pursuant to Assembly Rule 77.  08/24/22 Read third time. Passed. Ordered to the Assembly. (Ayes 40. Noes 0.).  08/22/22 Read second time. Ordered to third reading.  08/18/22 Read third time and amended. Ordered to second reading.  08/17/22 Read second time. Ordered to third reading.  08/16/22 Read third time and amended. Ordered to second reading.  08/11/22 Ordered to third reading.  08/11/22 From Consent Calendar.  08/09/22 Read second time. Ordered to Consent Calendar.  08/08/22 From committee: Be ordered to second reading file pursuant to Senate Rule 28.8 and ordered to Consent Calendar.  08/01/22 Read second time and amended. Re-referred to Com. on APPR.</p>
5. Discussion and possible action on SB793, SB1097 & SB1016	Discussion Item 4. No Actions taken.
6. Comments from Commissioners on items of interest	No Comments from Commissioners.
7. Adjourn to the next meeting of the commission	Meeting was adjourned at 12:28 p.m.

**Next meeting: October 12, 2022 location to be announced.**