

COMMITTEE LEADERSHIP

Erin Hannigan, District 1
Monica Brown, District 2

STAFF

Matthew A. Davis, CAO



Legislative Committee

Monday, June 5, 2023
1:30 p.m. – 3 p.m.

Solano County Administration Center
675 Texas Street, Conf. Rm 6003 (6th Floor), Fairfield, CA 94533
Call in option on MS Teams: (323) 457-3408, ID 819 548 952 #

MEETING AGENDA

(1) – INTRODUCTIONS *(Attendees)*

Supervisor Hannigan and Supervisor Brown

(2) – ADDITIONS / DELETIONS TO THE AGENDA

(3) – PUBLIC COMMENT *(Items not on the agenda)*

(4) – UPDATE FROM SOLANO COUNTY LEGISLATIVE DELEGATION

Representative and/or staff

(5) – FEDERAL LEGISLATIVE UPDATE

Joe Krahn, Tom Joseph and Hasan Sarsour, Paragon Government Relations

- (1) Biden-McCarthy Debt Ceiling Agreement
- (2) Update on Fiscal Year 2024 Appropriations

(6) – STATE LEGISLATIVE UPDATE

Karen Lange, SYASL Partners, Inc.

- (1) Budget Update and Revenue Projections
- (2) Specialty Mental Health Update
- (3) Status of County Sponsored Bill

(7) – STATE ACTION ITEMS

- (1) Receive an update on [AB 1304](#), ([Papan – D](#)) an act to amend a section of the Business and Professions Code, relating to weights and measures, and consider making a recommendation. *(Requested and presented by Ed King, Solano County Agricultural Commissioner, Sealer of Weights and Measures)*
- (2) Receive an update on [AB 452](#), ([Addis – D](#)) an act to amend a section of the Code of Civil Procedure, relating to childhood sexual assault, and consider making a recommendation to drop the County's "oppose" position, approved by the Solano County Board of Supervisors on April 4, 2023. *(Requested and presented by Bernadette Curry, Solano County Counsel)*

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- (3) Receive an update on [AB 33 \(Bains – D\)](#) an act to add and repeal a section of the Health and Safety Code, relating to controlled substances, and consider making a recommendation. *(Requested by Supervisor Brown, presented by Karen Lange, SYASL Partners)*
- (4) Receive an update on [AB 474 \(Rodriguez – D\)](#) an act to add a section to the Government Code, relating to state government, and consider making a recommendation. *(Requested by Supervisor Brown, presented by Karen Lange, SYASL Partners)*
- (5) Receive an update on [AB 701 \(Villapudua – D and Petrie-Norris – D\)](#) an act to amend sections of the Health and Safety Code, relating to controlled substances, and consider making a recommendation. *(Requested by Supervisor Brown, presented by Karen Lange, SYASL Partners)*

(8) – FUTURE SCHEDULED MEETINGS

- (1) Monday, June 19, 2023 starting at 1:30 p.m.
- (2) Tuesday, September 5, 2023 starting at 1:30 p.m.
- (3) Monday, September 18, 2023 starting at 1:30 p.m.

(9) ADJOURN

AMENDED IN ASSEMBLY APRIL 17, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1304

Introduced by Assembly Member Papan

February 16, 2023

An act to amend Section ~~12246~~ of the Business and Professions Code, relating to weights and measures: *12240 of the Business and Professions Code, relating to weights and measures.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1304, as amended, Papan. ~~Weights and measures: inspection: fees.~~ *Weights and measures: inspection fees.*

Existing law requires the sealer of a county to inspect and test weighing and measuring devices, as specified, that are used or sold in the county. Existing law also requires the sealer of a county to weigh or measure packages to determine whether they contain the amount represented, as provided. Existing law, until January 1, 2027, authorizes the board of supervisors of a county, by ordinance, to charge an annual registration fee, not to exceed the county's total cost of actually inspecting or testing weighing and measuring devices required of the county sealer, to recover the costs of the county sealer to perform these duties.

Existing law specifies that the annual registration fee for a business that uses a listed commercial weighing or measuring device consists of, among other things, a business location fee and a device fee. Existing law prohibits the business location fee and device fee from exceeding \$100 per business location, plus 100% of the maximum applicable device fee.

This bill would instead prohibit the business location fee and device fee from exceeding \$120 per business location, plus 100% of the maximum applicable device fee.

The bill would increase the maximum device fee for water submeters and vapor submeters used under certain circumstances to \$6 and \$10, respectively, and would increase the maximum device fee for computing scales to \$25.

Existing law provides, that for computing scales, the portion of the annual registration fee consisting of the business location fee and the device fees shall not exceed \$1,000 for each business location.

This bill would increase the maximum annual registration fee described above to \$1,200.

Existing law provides, that for all other commercial weighing or measuring devices not listed, the device fee shall not exceed \$20 per device and the portion of the annual registration fee consisting of the business location fee and the device fees shall not exceed \$1,000 for each business location.

This bill would increase the maximum device fee to \$26 for these devices and would increase the maximum annual registration fee described above to \$1,200.

~~Existing law requires the sealer of a county to inspect and test weighing and measuring devices, as specified, that are used or sold in the county. Existing law also requires the sealer of a county to weigh or measure packages to determine whether they contain the amount represented, as provided. Existing law, until January 1, 2027, authorizes the board of supervisors of a county, by ordinance, to charge an annual registration fee, not to exceed the county's total cost of actually inspecting or testing weighing and measuring devices required of the county sealer, to recover the costs of the county sealer to perform these duties. Existing law, until January 1, 2027, requires the Secretary of Food and Agriculture to establish by regulation an annual administrative fee to recover reasonable administrative and enforcement costs incurred by the Department of Food and Agriculture for exercising supervision over and performing investigations in connection with the activities performed by county sealers described above and for other specified duties, and requires the administrative fee to be collected for every device registered with each county office of weights and measures and paid annually to the Department of Food and Agriculture Fund.~~

This bill would extend the authority of the board of supervisors of a county to charge an annual registration fee to recover the costs of the

county sealer, as provided, until January 1, 2029, and would extend certain other related provisions. The bill would also continue the annual administrative fee to recover the costs incurred by the department described above until January 1, 2029.

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12240 of the Business and Professions
2 Code is amended to read:

3 12240. (a) Except as otherwise provided in this section, the
4 county board of supervisors, by ordinance, may charge an annual
5 registration fee, not to exceed the county’s total cost of actually
6 inspecting or testing the devices as required by law, to recover the
7 costs of inspecting or testing weighing and measuring devices
8 required of the county sealer pursuant to Section 12210, and to
9 recover the cost of carrying out Section 12211.

10 (b) Except as otherwise provided in this section, the annual
11 registration fee shall not exceed the amount set forth in subdivisions
12 (f) to (r), inclusive.

13 (c) The county may collect the fees biennially, in which case
14 they shall not exceed twice the amount of an annual registration
15 fee. The ordinance shall be adopted pursuant to Article 7
16 (commencing with Section 25120) of Chapter 1 of Part 2 of
17 Division 2 of Title 3 of the Government Code.

18 (d) Retail gasoline pump meters, for which the above fees are
19 assessed, shall be inspected as frequently as required by regulation,
20 but not less than once every two years.

21 (e) Livestock scales, animal scales, and scales used primarily
22 for weighing feed and seed, for which the above fees are assessed,
23 shall be inspected as frequently as required by regulation.

24 (f) For purposes of this section, the annual registration fee for
25 a business that uses a commercial weighing or measuring device
26 or devices shall consist of a business location fee, a department
27 administrative fee, as specified in Section 12241, and a device fee,
28 as specified in subdivisions (g) to (r), inclusive. The business
29 location fee and device fee shall not exceed one hundred *twenty*
30 dollars-(\$100) (\$120) per business location, plus 100 percent of

1 the maximum applicable device fee listed in subdivisions (g) to
 2 (r), inclusive.

3 (g) (1) For marinas, mobilehome parks, recreational vehicle
 4 parks, and apartment complexes, where the owner of the marina,
 5 park, or complex owns and is responsible for the utility meters,
 6 the device fee shall not exceed the following:

7 (A) For water submeters, ~~two six~~ ~~dollars~~ ~~(\$2)~~ ~~(\$6)~~ per device
 8 per space or apartment.

9 (B) For electric submeters, three dollars (\$3) per device per
 10 space or apartment.

11 (C) For vapor submeters, ~~four ten~~ ~~dollars~~ ~~(\$4)~~ ~~(\$10)~~ per device
 12 per space or apartment.

13 (2) Marinas, mobilehome parks, recreational vehicle parks, and
 14 apartment complexes for which the above fees are assessed shall
 15 be inspected and tested as frequently as required by regulation.

16 (h) For weighing devices, other than livestock, with capacities
 17 of 10,000 pounds or greater, the device fee shall not exceed two
 18 hundred fifty dollars (\$250) per device; for weighing devices, other
 19 than livestock scales, with capacities of at least 2,000 pounds but
 20 less than 10,000 pounds, the device fee shall not exceed one
 21 hundred fifty dollars (\$150) per device.

22 (i) This section does not apply to farm milk tanks.

23 (j) A scale or device used in a certified farmers' market, as
 24 defined by Section 113742 of the Health and Safety Code, is not
 25 required to be registered in the county where the market is
 26 conducted, if the scale or device has an unexpired seal for the
 27 current year, issued by a licensed California county sealer.

28 (k) For livestock scales with capacities of 10,000 pounds or
 29 greater, the device fee shall not exceed one hundred fifty dollars
 30 (\$150) per device; for livestock scales with capacities of at least
 31 2,000 pounds but less than 10,000 pounds, the device fee shall not
 32 exceed one hundred dollars (\$100) per device.

33 (l) (1) For liquefied petroleum gas (LPG) meters, truck mounted
 34 or stationary, the device fee shall not exceed one hundred
 35 eighty-five dollars (\$185) per device.

36 (2) For compressed natural gas (CNG) and liquified natural gas
 37 (LNG) meters, truck mounted or stationary, the device fee shall
 38 not exceed seventy-five dollars (\$75) per device in 2019, one
 39 hundred twenty-five dollars (\$125) per device in 2020, and one
 40 hundred eighty-five dollars (\$185) per device beginning in 2021.

1 (m) For wholesale and vehicle meters, the device fee shall not
2 exceed seventy-five dollars (\$75) per device.

3 (n) For computing scales, the device fee shall not exceed
4 ~~twenty-three~~ *twenty-five* dollars ~~(\$23)~~ (\$25) per device. For
5 purposes of this subdivision, a computing scale shall be a weighing
6 device with a capacity of less than 100 pounds that indicates the
7 money value of any commodity weighed, at predetermined unit
8 prices, throughout all or part of the weighing range of the scale.
9 For purposes of this subdivision, the portion of the annual
10 registration fee consisting of the business location fee and the
11 device fees authorized by this subdivision shall not exceed the sum
12 of one thousand *two hundred* dollars ~~(\$1,000)~~ (\$1,200) for each
13 business location.

14 (o) For jewelry and prescription scales and scales marked as,
15 or meeting the design and performance requirements of, a Class
16 II weighing device, the device fee shall not exceed eighty dollars
17 (\$80) per device. For purposes of this subdivision, a jewelry or
18 prescription scale or a scale marked as, or meeting the design and
19 performance requirements of, a Class II weighing device shall be
20 a scale that meets the specifications, tolerances, and sensitivity
21 requirements established or adopted by the secretary applicable to
22 those devices in accordance with Section 12107.

23 (p) For weighing devices, other than computing, jewelry, and
24 prescription scales and scales marked as, or meeting the design
25 and performance requirements of, a Class II weighing device, as
26 defined in subdivisions (n) and (o), with capacities of at least 100
27 pounds but less than 2,000 pounds, the device fee shall not exceed
28 fifty dollars (\$50) per device.

29 (q) For vehicle odometers utilized to charge mileage usage fees
30 in vehicle rental transactions or in computing other charges for
31 service, including, but not limited to, ambulance, towing, or
32 limousine services, the device fee shall not exceed sixty dollars
33 (\$60) per device.

34 (r) This section does not apply to odometers in rental passenger
35 vehicles, as defined in Section 465 of the Vehicle Code, that are
36 subject to Chapter 1.5 (commencing with Section 1939.01) of Title
37 5 of Part 4 of Division 3 of the Civil Code. If a person files a
38 complaint with the county sealer regarding the accuracy of a rental
39 passenger vehicle odometer, the county sealer may charge a fee
40 to the operator of the vehicle rental business sufficient to recover,

1 but not to exceed, the reasonable cost of testing the device in
2 investigation of the complaint.

3 (s) For vehicle odometers utilized to charge mileage usage fees
4 in vehicle rental transactions involving nonpassenger vehicles that
5 are not subject to Chapter 1.5 (commencing with Section 1939.01)
6 of Title 5 of Part 4 of Division 3 of the Civil Code, the portion of
7 the annual registration fee consisting of the business location fee
8 and the device fee authorized pursuant to subdivision (q) shall not
9 exceed the sum of three hundred forty dollars (\$340) for each
10 business location.

11 (t) For all other commercial weighing or measuring devices not
12 listed in subdivisions (g) to (r), inclusive, the device fee shall not
13 exceed ~~twenty~~ *twenty-six* dollars ~~(\$20)~~ (\$26) per device. For
14 purposes of this subdivision, the total portion of the annual
15 registration fee consisting of the business location fee and the
16 device fees authorized by this subdivision shall not exceed the sum
17 of one thousand *two hundred* dollars ~~(\$1,000)~~; (\$1,200), for each
18 business location.

19 (u) For purposes of this section, a single business location is
20 defined as:

21 (1) Each business location that uses one or more categories or
22 types of commercial devices as set forth in subdivisions (g) to (p),
23 inclusive, and in subdivision (t), that require the use of specialized
24 testing equipment and that necessitates not more than one
25 inspection trip by a weights and measures official.

26 (2) Each vehicle, except for those vehicles that are employed
27 in vehicle rental transactions, in which one or more commercial
28 devices is installed and used.

29 (3) (A) For vehicles that are employed in vehicle rental
30 transactions and that are not subject to Chapter 1.5 (commencing
31 with Section 1939.01) of Title 5 of Part 4 of Division 3 of the Civil
32 Code, each business location at which vehicles are stored or
33 maintained by a vehicle rental company for the purposes of renting
34 vehicles to customers.

35 (B) A facility that meets all of the following criteria shall not
36 be considered a business location for the purposes of this
37 paragraph:

38 (i) The facility is not wholly, or in any part, owned, leased, or
39 operated by the vehicle rental company.

1 (ii) The facility is not operated or staffed by an employee of the
2 vehicle rental company.

3 (iii) The facility stores or maintains, on a temporary basis,
4 vehicles at the location for customer convenience.

5 (C) If a person files a complaint with the county sealer regarding
6 the accuracy of an odometer in a vehicle found or located at a
7 facility described in subparagraph (B), the county sealer may
8 charge a fee to the operator of the vehicle rental company sufficient
9 to recover, but not to exceed, the reasonable cost of testing the
10 device in investigation of the complaint.

11 ~~SECTION 1. Section 12246 of the Business and Professions~~
12 ~~Code is amended to read:~~

13 ~~12246. This article shall remain in effect only until January 1,~~
14 ~~2029, and as of that date is repealed, unless a later enacted statute~~
15 ~~that is enacted before January 1, 2029, deletes or extends that date.~~

AMENDED IN ASSEMBLY MARCH 22, 2023
AMENDED IN ASSEMBLY MARCH 13, 2023
AMENDED IN ASSEMBLY FEBRUARY 17, 2023
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 452

Introduced by Assembly Member Addis

(Principal coauthor: Senator Skinner)

(Coauthors: Assembly Members Connolly, Dixon, Jackson, Lackey, Lowenthal, Mathis, McKinnor, Ortega, Papan, Pellerin, Petrie-Norris, and Sanchez)

(Coauthors: Senators Min and Wahab)

February 6, 2023

An act to amend Section 340.1 of the Code of Civil Procedure, relating to childhood sexual assault.

LEGISLATIVE COUNSEL'S DIGEST

AB 452, as amended, Addis. Childhood sexual assault: statute of limitations.

Existing law requires that specified actions for recovery of damages suffered as a result of childhood sexual assault, as defined, be commenced within 22 years of the date the plaintiff attains the age of majority or within 5 years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual assault, whichever occurs later. Existing law prohibits certain of those actions from commencing on or after the plaintiff's 40th birthday unless the person or entity knew or had reason to know, or was otherwise on notice, of any misconduct that creates a risk of childhood sexual assault by an

employee, volunteer, representative, or agent, or the person or entity failed to take reasonable steps or to implement reasonable safeguards to avoid acts of childhood sexual assault, as specified. Existing law revives claims that would otherwise have been barred as of January 1, 2020, because the applicable statute of limitations, claim presentation deadline, or any other time limit had expired and authorizes the claims to be commenced within specified time periods.

This bill would eliminate time limits for the commencement of actions for the recovery of damages suffered as a result of childhood sexual assault, as specified. The bill would eliminate the prohibition on certain actions proceeding on or after the plaintiff’s 40th birthday unless specified conditions are met. The bill would specify that its provisions apply to any ~~claim~~ *action* arising on and after January 1, 2024.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 340.1 of the Code of Civil Procedure is
- 2 amended to read:
- 3 340.1. (a) There is no time limit for the commencement of
- 4 any of the following actions for recovery of damages suffered as
- 5 a result of childhood sexual assault:
- 6 (1) An action against any person for committing an act of
- 7 childhood sexual assault.
- 8 (2) An action for liability against any person or entity who owed
- 9 a duty of care to the plaintiff, if a wrongful or negligent act by that
- 10 person or entity was a legal cause of the childhood sexual assault
- 11 that resulted in the injury to the plaintiff.
- 12 (3) An action for liability against any person or entity if an
- 13 intentional act by that person or entity was a legal cause of the
- 14 childhood sexual assault that resulted in the injury to the plaintiff.
- 15 (b) (1) In an action described in subdivision (a), a person who
- 16 is sexually assaulted and proves it was as the result of a cover up
- 17 may recover up to treble damages against a defendant who is found
- 18 to have covered up the sexual assault of a minor, unless prohibited
- 19 by another law.
- 20 (2) For purposes of this subdivision, a “cover up” is a concerted
- 21 effort to hide evidence relating to childhood sexual assault.

1 (c) “Childhood sexual assault” as used in this section includes
2 any act committed against the plaintiff that occurred when the
3 plaintiff was under the age of 18 years and that would have been
4 proscribed by Section 266j of the Penal Code; Section 285 of the
5 Penal Code; paragraph (1) or (2) of subdivision (b), or of
6 subdivision (c), of Section 286 of the Penal Code; subdivision (a)
7 or (b) of Section 288 of the Penal Code; paragraph (1) or (2) of
8 subdivision (b), or of subdivision (c), of Section 287 or of former
9 Section 288a of the Penal Code; subdivision (h), (i), or (j) of
10 Section 289 of the Penal Code; any sexual conduct as defined in
11 paragraph (1) of subdivision (d) of Section 311.4 of the Penal
12 Code; Section 647.6 of the Penal Code; or any prior laws of this
13 state of similar effect at the time the act was committed. This
14 subdivision does not limit the availability of causes of action
15 permitted under subdivision (a), including causes of action against
16 persons or entities other than the alleged perpetrator of the abuse.

17 (d) This section shall not be construed to alter the otherwise
18 applicable burden of proof, as defined in Section 115 of the
19 Evidence Code, that a plaintiff has in a civil action subject to this
20 section.

21 (e) Every plaintiff 40 years of age or older at the time the action
22 is filed shall file certificates of merit as specified in subdivision
23 (f).

24 (f) Certificates of merit setting forth the facts that support the
25 declaration shall be executed by the attorney for the plaintiff and
26 by a licensed mental health practitioner selected by the plaintiff
27 declaring, respectively, as follows:

28 (1) That the attorney has reviewed the facts of the case,
29 consulted with at least one mental health practitioner who the
30 attorney reasonably believes is knowledgeable of the relevant facts
31 and issues involved in the particular action, and concluded on the
32 basis of that review and consultation that there is reasonable and
33 meritorious cause for the filing of the action.

34 (2) That the mental health practitioner consulted is licensed to
35 practice and practices in this state and is not a party to the action,
36 that the practitioner is not treating and has not treated the plaintiff,
37 and that the practitioner has interviewed the plaintiff and is
38 knowledgeable of the relevant facts and issues involved in the
39 particular action, and has concluded, on the basis of the
40 practitioner’s knowledge of the facts and issues, that in the

1 practitioner’s professional opinion there is a reasonable basis to
2 believe that the plaintiff had been subject to childhood sexual
3 abuse.

4 (g) If certificates are required pursuant to subdivision (e), the
5 attorney for the plaintiff shall execute a separate certificate of merit
6 for each defendant named in the complaint.

7 (h) In any action subject to subdivision (e), a defendant shall
8 not be served, and the duty to serve a defendant with process does
9 not attach, until the court has reviewed the certificates of merit
10 filed pursuant to subdivision (f) with respect to that defendant, and
11 has found, in camera, based solely on those certificates of merit,
12 that there is reasonable and meritorious cause for the filing of the
13 action against that defendant. At that time, the duty to serve that
14 defendant with process shall attach.

15 (i) A violation of this section may constitute unprofessional
16 conduct and may be the grounds for discipline against the attorney.

17 (j) The failure to file certificates in accordance with this section
18 shall be grounds for a demurrer pursuant to Section 430.10 or a
19 motion to strike pursuant to Section 435.

20 (k) In any action subject to subdivision (e), a defendant shall
21 be named by “Doe” designation in any pleadings or papers filed
22 in the action until there has been a showing of corroborative fact
23 as to the charging allegations against that defendant.

24 (l) At any time after the action is filed, the plaintiff may apply
25 to the court for permission to amend the complaint to substitute
26 the name of the defendant or defendants for the fictitious
27 designation, as follows:

28 (1) The application shall be accompanied by a certificate of
29 corroborative fact executed by the attorney for the plaintiff. The
30 certificate shall declare that the attorney has discovered one or
31 more facts corroborative of one or more of the charging allegations
32 against a defendant or defendants, and shall set forth in clear and
33 concise terms the nature and substance of the corroborative fact.
34 If the corroborative fact is evidenced by the statement of a witness
35 or the contents of a document, the certificate shall declare that the
36 attorney has personal knowledge of the statement of the witness
37 or of the contents of the document, and the identity and location
38 of the witness or document shall be included in the certificate. For
39 purposes of this section, a fact is corroborative of an allegation if
40 it confirms or supports the allegation. The opinion of any mental

1 health practitioner concerning the plaintiff shall not constitute a
2 corroborative fact for purposes of this section.

3 (2) If the application to name a defendant is made before that
4 defendant's appearance in the action, neither the application nor
5 the certificate of corroborative fact by the attorney shall be served
6 on the defendant or defendants, nor on any other party or their
7 counsel of record.

8 (3) If the application to name a defendant is made after that
9 defendant's appearance in the action, the application shall be served
10 on all parties and proof of service provided to the court, but the
11 certificate of corroborative fact by the attorney shall not be served
12 on any party or their counsel of record.

13 (m) The court shall review the application and the certificate of
14 corroborative fact in camera and, based solely on the certificate
15 and any reasonable inferences to be drawn from the certificate,
16 shall, if one or more facts corroborative of one or more of the
17 charging allegations against a defendant has been shown, order
18 that the complaint may be amended to substitute the name of the
19 defendant or defendants.

20 (n) The court shall keep under seal and confidential from the
21 public and all parties to the litigation, other than the plaintiff, any
22 and all certificates of corroborative fact filed pursuant to
23 subdivision (l).

24 (o) Upon the favorable conclusion of the litigation with respect
25 to any defendant for whom a certificate of merit was filed or for
26 whom a certificate of merit should have been filed pursuant to this
27 section, the court may, upon the motion of a party or upon the
28 court's own motion, verify compliance with this section by
29 requiring the attorney for the plaintiff who was required by
30 subdivision (f) to execute the certificate to reveal the name, address,
31 and telephone number of the person or persons consulted with
32 pursuant to subdivision (f) that were relied upon by the attorney
33 in preparation of the certificate of merit. The name, address, and
34 telephone number shall be disclosed to the trial judge in camera
35 and in the absence of the moving party. If the court finds there has
36 been a failure to comply with this section, the court may order a
37 party, a party's attorney, or both, to pay any reasonable expenses,
38 including attorney's fees, incurred by the defendant for whom a
39 certificate of merit should have been filed.

1 (p) Notwithstanding any other law, a claim for damages
2 described in paragraphs (1) through (3), inclusive, of subdivision
3 (a), as that subdivision read on December 31, 2023, that has not
4 been litigated to finality and that would otherwise have been barred
5 as of January 1, 2020, because the applicable statute of limitations,
6 claim presentation deadline, or any other time limit had expired,
7 is revived, and these claims may be commenced within the time
8 periods authorized by subdivision (q) of this section as that
9 subdivision read on December 31, 2023.

10 (q) The changes made to the time period described in subdivision
11 (a), as that subdivision read on December 31, 2023, by the act
12 amending that subdivision in 2019 apply to and revive any action
13 commenced on or after the date of the enactment of that act and
14 before January 1, 2024, and to any action filed before the date of
15 enactment and still pending on that date, including any action or
16 causes of action that would have been barred by the laws in effect
17 before the date of enactment.

18 (r) Notwithstanding any other law, including Chapter 1 of Part
19 3 of Division 3.6 of Title 1 of the Government Code (commencing
20 with Section 900) and Chapter 2 of Part 3 of Division 3.6 of Title
21 1 of the Government Code (commencing with Section 910), a
22 claim for damages described in paragraphs (1) through (3),
23 inclusive, of subdivision (a), is not required to be presented to any
24 government entity prior to the commencement of an action.

25 (s) The changes made to this section by the act adding this
26 subdivision in 2023 apply to any ~~claim~~ *action* arising on and after
27 January 1, 2024.

AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY MAY 2, 2023

AMENDED IN ASSEMBLY MARCH 9, 2023

AMENDED IN ASSEMBLY MARCH 2, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 33

**Introduced by Assembly Member Bains
(Coauthors: Assembly Members Bryan, Joe Patterson, Waldron,
Wood, and Zbur)**

December 5, 2022

An act to add and repeal Section 11455 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 33, as amended, Bains. Fentanyl Addiction and Overdose Prevention Task Force.

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. The act classifies the drug fentanyl in Schedule II. Existing law prohibits a person from possessing for sale or purchasing for purposes of sale, specified controlled substances, including fentanyl, and provides for imprisonment in a county jail for 2, 3, or 4 years for a violation of this provision.

This bill ~~would~~ *would, subject to an appropriation,* establish the Fentanyl Addiction and Overdose Prevention Task Force to undertake various duties relating to fentanyl abuse, including, among others,

collecting and organizing data on the nature and extent of fentanyl abuse in California and evaluating approaches to increase public awareness of fentanyl abuse. The bill would require the task force to be cochaired by the Attorney General and the Surgeon General, or their designees, and would specify the membership of the task force. ~~The~~

The bill would require the first meeting of the task force to take place no later than March 1, 2024, and would require the task force to meet at least once every 2 months. The bill would require the task force to submit an interim report to the Governor and the Legislature by January 1, 2025, and would require the task force to report its findings and recommendations to the Governor and the Legislature by July 1, 2025. ~~The~~

The bill would repeal these provisions on January 1, 2026.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11455 is added to the Health and Safety
- 2 Code, to read:
- 3 11455. (a) There is hereby established the Fentanyl Addiction
- 4 and Overdose Prevention Task Force to do the following, to the
- 5 extent feasible:
- 6 (1) Collect and organize data on the nature and extent of fentanyl
- 7 abuse in California.
- 8 (2) Identify and assess sources and drivers of legal and illicit
- 9 fentanyl activity in California.
- 10 (3) Measure and evaluate the progress and effectiveness of the
- 11 state’s education, prevention, treatment, and enforcement efforts
- 12 in preventing fentanyl abuse and death from the intentional use of
- 13 fentanyl or the unintentional use of illicit substances containing
- 14 fentanyl, including the prosecution of persons engaged in the illegal
- 15 manufacture, sale, and trafficking of fentanyl.
- 16 (4) Evaluate approaches to increase public awareness of fentanyl
- 17 abuse.
- 18 (5) Analyze existing statutes for their adequacy in addressing
- 19 fentanyl abuse and, if the analysis determines that those statutes
- 20 are inadequate, recommend revisions to those statutes or the
- 21 enactment of new statutes that specifically define and address
- 22 fentanyl abuse.

1 (6) Consult with governmental and nongovernmental
2 organizations in developing recommendations to strengthen state
3 and local efforts to prevent fentanyl abuse and death from the
4 intentional use of fentanyl or the unintentional use of illicit
5 substances containing fentanyl, protect and assist persons who
6 misuse fentanyl or other illicit substances that may contain fentanyl,
7 develop policy recommendations on the implementation of
8 evidence-based practices to reduce fentanyl overdoses, and
9 prosecute individuals engaged in the illegal manufacture, sale, and
10 trafficking of fentanyl.

11 (7) Develop model treatment protocols for medication-assisted
12 treatment (MAT) of fentanyl addiction and abuse, including, but
13 not limited to, the prescription of buprenorphine and other
14 medications.

15 (8) Recommend strategies to increase the ability and willingness
16 of the medical community to treat fentanyl addiction and abuse,
17 including identifying barriers to accessing medical care, biases
18 within the medical community against people who misuse fentanyl
19 or other illicit substances that may contain fentanyl, and legal,
20 regulatory, and practical hurdles in the delivery of MAT, behavioral
21 therapy, and other medical strategies critical in the treatment of
22 fentanyl addiction and abuse, which may include, but are not
23 limited to, overdose prevention centers, fentanyl testing strip
24 distribution, and access to overdose reversal treatment.

25 (9) Assess gaps in federal, state, and local resources to address
26 fentanyl addiction and abuse.

27 (b) The task force shall be cochaired by the Attorney General
28 and the Surgeon General or their designees. The Department of
29 Justice and the Office of the Surgeon General shall provide staff
30 and support for the task force, to the extent that resources are
31 available.

32 (c) The members of the task force shall serve at the pleasure of
33 the respective appointing authority. Reimbursement of necessary
34 expenses may be provided at the discretion of the respective
35 appointing authority or agency participating in the task force. The
36 task force shall be comprised of the following representatives or
37 their designees:

38 (1) The Attorney General.

39 (2) The Surgeon General.

40 ~~(3) The Director of the State Department of Public Health.~~

- 1 (3) *The State Public Health Officer.*
- 2 (4) ~~The Director of the State Department of Health Care~~
- 3 ~~Services.~~
- 4 (5) ~~The Director of the State Department of Social Services.~~
- 5 (6) ~~The Director of the California Health and Human Services~~
- 6 ~~Agency.~~
- 7 (6) *The Secretary of California Health and Human Services.*
- 8 (7) One Member of the Senate, appointed by the Senate Rules
- 9 Committee.
- 10 (8) One Member of the Assembly, appointed by the Speaker of
- 11 the Assembly.
- 12 (9) The Chairperson of the Judicial Council.
- 13 (10) One representative from the California District Attorneys
- 14 Association.
- 15 (11) One representative from the California Public Defenders
- 16 Association.
- 17 (12) One representative from the State Department of Education.
- 18 (13) One representative from the California Hospital
- 19 Association.
- 20 (14) One representative from the California Medical Association.
- 21 (15) One representative from the County Health Executives
- 22 Association of California.
- 23 (16) One representative from the County Behavioral Health
- 24 ~~Directors Association.~~ *Association of California.*
- 25 (17) One representative from a local health department,
- 26 appointed by the Governor.
- 27 (18) Three representatives of law enforcement, one selected by
- 28 the California State Sheriffs' Association, one selected by the
- 29 California Police Chiefs Association, and one selected by the
- 30 Department of the California Highway Patrol.
- 31 (19) One representative from the California Society of Addiction
- 32 Medicine who is a mental health professional.
- 33 (20) One representative who is in recovery from fentanyl or
- 34 opioid abuse, appointed by the Governor.
- 35 (21) One representative from a federally qualified health center,
- 36 appointed by the Governor.
- 37 (22) One representative from an organization that provides
- 38 services to homeless individuals, one representative from an
- 39 organization that provides services to individuals with substance
- 40 use disorders, and one representative from an organization that

1 serves persons who misuse fentanyl or other illicit substances that
2 may contain fentanyl, appointed by the Governor.

3 (23) One representative from an organization that provides
4 services to youths relating to substance abuse.

5 (d) Whenever possible, members of the task force shall have
6 experience providing services to persons who misuse fentanyl or
7 other illicit substances that may contain fentanyl or have knowledge
8 of fentanyl abuse issues.

9 (e) The task force shall meet at least once every two months.
10 Subcommittees may be formed and meet as necessary. All meetings
11 shall be open to the public. The first meeting of the task force shall
12 be held no later than March 1, 2024.

13 (f) (1) On or before July 1, 2025, the task force shall report its
14 findings and recommendations to the Governor and the Legislature.
15 At the request of any member, the report may include minority
16 findings and recommendations.

17 (2) On or before January 1, 2025, the task force shall submit an
18 interim report to the Governor and the Legislature.

19 (3) A report to be submitted pursuant to this subdivision shall
20 be submitted in compliance with Section 9795 of the Government
21 Code.

22 (g) For the purposes of this section, “fentanyl abuse” means the
23 use of fentanyl or products containing fentanyl in a ~~manner or with~~
24 ~~a frequency manner, or with a frequency~~, that negatively impacts
25 one or more areas of physical, mental, or emotional health.

26 (h) *This section shall be implemented only to the extent that an*
27 *appropriation is made by the Legislature for the purpose of this*
28 *section.*

29 ~~(h)~~

30 (i) This section shall remain in effect only until January 1, 2026,
31 and as of that date is repealed.

ASSEMBLY BILL

No. 474

**Introduced by Assembly Member Rodriguez
(Coauthor: Assembly Member Waldron)**

February 7, 2023

An act to add Section 8685.11 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 474, as introduced, Rodriguez. State Threat Assessment Center: transnational criminal organizations.

Existing law, the California Emergency Services Act, creates, within the office of the Governor, the Office of Emergency Services, which is responsible for addressing natural, technological, or human-caused disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

This bill would find and declare that the State Threat Assessment Center (STAC) serves as California's information-sharing clearinghouse of strategic threat analysis and situational awareness reporting for statewide leadership and the public safety community, as specified, and that the STAC is California's state primary fusion center, as designated by the Governor, and is operated by the Department of the California Highway Patrol, the Office of Emergency Services, and the Department of Justice. The bill would make other findings and declarations related to drug trafficking and transnational criminal organizations.

The bill would require the STAC and the Office of Emergency Services to prioritize, to the greatest extent possible, cooperation with state and local efforts to illuminate, disrupt, degrade, and dismantle

criminal networks trafficking opioid drugs that pose a threat to California. The bill would require the STAC to support state and local interagency task forces to combat illegal opioid trafficking in California, as specified, including preparing and disseminating intelligence products for public safety entities.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The State Threat Assessment Center (STAC) serves as
4 California’s information-sharing clearinghouse of strategic threat
5 analysis and situational awareness reporting for statewide
6 leadership and the public safety community in support of efforts
7 to prevent, prepare for, mitigate, and respond to all crimes and
8 hazards impacting California citizens and critical infrastructure
9 while preserving civil liberties, individual privacy, and
10 constitutional rights.

11 (b) The STAC is California’s state primary fusion center, as
12 designated by the Governor, and is operated by the Department of
13 the California Highway Patrol, the Office of Emergency Services,
14 and the Department of Justice.

15 (c) Transnational criminal organizations (TCOs) continue to
16 pose a threat to California, public health, and our economic
17 security.

18 (d) According to the United States Department of the Treasury,
19 it is estimated that drug-related crime alone generated over \$100
20 billion in proceeds in the United States.

21 (e) There were 7,175 deaths related to any opioid overdoses in
22 California in 2021, of which 5,961 were related to fentanyl,
23 according to the State Department of Public Health.

24 (f) Mexico-based TCO criminal activity is not limited to drug
25 trafficking, as they engage in a wide variety of other criminal
26 activity. TCOs also facilitated and profited from smuggling
27 migrants into the United States, and their illicit trade activity led
28 to the seizure of over \$2.14 billion in intellectual property
29 violations in federal fiscal year 2021, according to the United States
30 Department of Homeland Security.

1 SEC. 2. Section 8685.11 is added to the Government Code, to
2 read:

3 8685.11. (a) The State Threat Assessment Center with the
4 Office of Emergency Services shall prioritize, to the greatest extent
5 possible, cooperation with state and local efforts to illuminate,
6 disrupt, degrade, and dismantle criminal networks trafficking
7 opioid drugs that pose a threat to California.

8 (b) In carrying out this section, the State Threat Assessment
9 Center shall support state and local interagency task forces
10 established to combat illegal opioid trafficking in California.
11 Support provided by the State Threat Assessment Center shall
12 include, but not be limited to, all of the following:

13 (1) Preparing and disseminating intelligence products for public
14 safety entities.

15 (2) Analyzing tactics and trends or transnational criminal
16 organizations operating in California.

17 (3) Sharing information with government decisionmakers and
18 state and local public safety officials regarding the extent to which
19 transnational criminal organizations are trafficking opioids and
20 pose other public safety threats in California.

ASSEMBLY BILL

No. 701

**Introduced by Assembly ~~Member Villapudua~~ *Members Villapudua
and Petrie-Norris*
(*Coauthors: Assembly Members Bains, Ortega, and Blanca Rubio*)**

February 13, 2023

An act to amend Sections 11370.4 and 11372 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 701, as introduced, Villapudua. Controlled substances: fentanyl.

Existing law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. Existing law classifies the drug fentanyl in Schedule II. Existing law prohibits a person from possessing for sale or purchasing for purposes of sale specified controlled substances, including fentanyl, and provides for imprisonment in a county jail for 2, 3, or 4 years for a violation of this provision. Existing law also imposes an additional term, and authorizes a trial court to impose a specified fine, upon a person who is convicted of a violation of, or of a conspiracy to violate, specified provisions of law with respect to a substance containing heroin, cocaine base, and cocaine, if the substance exceeds a specified weight.

This bill would impose that additional term upon, and authorize a fine against, a defendant who violates those laws with respect to a substance containing fentanyl. By increasing the penalty for a crime, 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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11370.4 of the Health and Safety Code
 2 is amended to read:
 3 11370.4. (a) ~~Any~~ (1) A person convicted of a violation of,
 4 or of a conspiracy to violate, Section 11351, 11351.5, or 11352
 5 with respect to a substance containing heroin, *fentanyl*, cocaine
 6 base as specified in paragraph (1) of subdivision (f) of Section
 7 11054, or cocaine as specified in paragraph (6) of subdivision (b)
 8 of Section 11055 shall receive an additional term as follows:
 9 ~~(1) Where~~
 10 (A) *If* the substance exceeds one kilogram by weight, the person
 11 shall receive an additional term of three years.
 12 ~~(2) Where~~
 13 (B) *If* the substance exceeds four kilograms by weight, the
 14 person shall receive an additional term of five years.
 15 ~~(3) Where~~
 16 (C) *If* the substance exceeds 10 kilograms by weight, the person
 17 shall receive an additional term of 10 years.
 18 ~~(4) Where~~
 19 (D) *If* the substance exceeds 20 kilograms by weight, the person
 20 shall receive an additional term of 15 years.
 21 ~~(5) Where~~
 22 (E) *If* the substance exceeds 40 kilograms by weight, the person
 23 shall receive an additional term of 20 years.
 24 ~~(6) Where~~
 25 (F) *If* the substance exceeds 80 kilograms by weight, the person
 26 shall receive an additional term of 25 years.
 27 ~~The~~
 28 (2) *The* conspiracy enhancements provided for in this
 29 subdivision shall not be imposed unless the trier of fact finds that
 30 the defendant conspirator was substantially involved in the

1 planning, direction, execution, or financing of the underlying
2 offense.

3 (b) ~~Any~~ (1) A person convicted of a violation of, or of
4 conspiracy to violate, Section 11378, 11378.5, 11379, or 11379.5
5 with respect to a substance containing methamphetamine,
6 amphetamine, phencyclidine (PCP) and its analogs shall receive
7 an additional term as follows:

8 ~~(1) Where~~

9 (A) *If* the substance exceeds one kilogram by weight, or 30 liters
10 by liquid volume, the person shall receive an additional term of
11 three years.

12 ~~(2) Where~~

13 (B) *If* the substance exceeds four kilograms by weight, or 100
14 liters by liquid volume, the person shall receive an additional term
15 of five years.

16 ~~(3) Where~~

17 (C) *If* the substance exceeds 10 kilograms by weight, or 200
18 liters by liquid volume, the person shall receive an additional term
19 of 10 years.

20 ~~(4) Where~~

21 (D) *If* the substance exceeds 20 kilograms by weight, or 400
22 liters by liquid volume, the person shall receive an additional term
23 of 15 years.

24 ~~In~~

25 (2) *In* computing the quantities involved in this subdivision,
26 plant or vegetable material seized shall not be included.

27 ~~The~~

28 (3) *The* conspiracy enhancements provided for in this
29 subdivision shall not be imposed unless the trier of fact finds that
30 the defendant conspirator was substantially involved in the
31 planning, direction, execution, or financing of the underlying
32 offense.

33 (c) The additional terms provided in this section shall not be
34 imposed unless the allegation that the weight of the substance
35 containing heroin, *fentanyl*, cocaine base as specified in paragraph
36 (1) of subdivision (f) of Section 11054, cocaine as specified in
37 paragraph (6) of subdivision (b) of Section 11055,
38 methamphetamine, amphetamine, or phencyclidine (PCP) and its
39 analogs exceeds the amounts provided in this section is charged

1 in the accusatory pleading and admitted or found to be true by the
2 trier of fact.

3 (d) The additional terms provided in this section shall be in
4 addition to any other punishment provided by law.

5 (e) Notwithstanding any other ~~provision~~ of law, the court may
6 strike the additional punishment for the enhancements provided
7 in this section if it determines that there are circumstances in
8 mitigation of the additional punishment and states on the record
9 its reasons for striking the additional punishment.

10 SEC. 2. Section 11372 of the Health and Safety Code is
11 amended to read:

12 11372. (a) In addition to the term of imprisonment provided
13 by law for persons convicted of violating Section 11350, 11351,
14 11351.5, 11352, 11353, 11355, 11359, 11360, or 11361, the trial
15 court may impose a fine not exceeding twenty thousand dollars
16 (\$20,000) for each offense. ~~In no event A fine shall a fine not~~ be
17 levied in lieu of or in substitution for the term of imprisonment
18 provided by law for any of these offenses.

19 (b) ~~Any~~A person receiving an additional term pursuant to
20 *subparagraph (A) of paragraph (1) of subdivision (a) of Section*
21 *11370.4*, may, in addition, be fined by an amount not exceeding
22 one million dollars (\$1,000,000) for each offense.

23 (c) ~~Any~~A person receiving an additional term pursuant to
24 *subparagraph (B) of paragraph (2) (1) of subdivision (a) of Section*
25 *11370.4*, may, in addition, be fined by an amount not to exceed
26 four million dollars (\$4,000,000) for each offense.

27 (d) ~~Any~~A person receiving an additional term pursuant to
28 *subparagraph (C) of paragraph (3) (1) of subdivision (a) of Section*
29 *11370.4*, may, in addition, be fined by an amount not to exceed
30 eight million dollars (\$8,000,000) for each offense.

31 (e) The court shall make a finding, prior to the imposition of
32 the fines authorized by subdivisions (b) to ~~(e)~~; (d), inclusive, that
33 there is a reasonable expectation that the fine, or a substantial
34 portion thereof, could be collected within a reasonable period of
35 time, taking into consideration the defendant’s income, earning
36 capacity, and financial resources.

37 SEC. 3. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

6

7

8 **REVISIONS:**

9 **Heading—Line 1.**

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