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**Assembly
California Legislature
Committee on Rules**

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WALDRON, MARIE

ARAMBULA, JOAQUIN (D-ALT)
DIXON, DIANE (R-ALT)

Thursday, January 4, 2024
Upon adjournment of Session
State Capitol, Room 126

CONSENT AGENDA

COMMITTEE JURISDICTIONS

1. Assembly Standing Committee Jurisdictions for 2024

[Page 2](#)

BILL REFERRALS

2. Bill Referrals

[Page 13](#)

RESOLUTIONS

3. ACR-116 (Wilson) Dr. Martin Luther King, Jr. Day. (refer/hear)

[Page 15](#)

REQUEST TO ADD URGENCY CLAUSE

4. SB 339 (Wiener) HIV preexposure prophylaxis and postexposure prophylaxis

[Page 20](#)

ADMINISTRATIVE ITEM

5. 2024 Holiday Schedule

[Page 30](#)

JOINT RULES COMMITTEE CONSENT AGENDA

6. Selection of the Joint Committee on Rules Chair

[Page 32](#)

ASSEMBLY STANDING COMMITTEE JURISDICTIONS

Aging and Long Term Care
Agriculture
Appropriations
Arts, Entertainment, Sports, and Tourism
Banking and Finance
Budget
Business and Professions
Communications and Conveyance
Education
Elections
Emergency Management
Environmental Safety and Toxic Materials
Governmental Organization
Health
Higher Education
Housing and Community Development
Human Services
Insurance
Jobs, Economic Development, and the Economy
Judiciary
Labor and Employment
Local Government
Military and Veterans Affairs
Natural Resources
Privacy and Consumer Protection
Public Employment and Retirement
Public Safety
Revenue and Taxation
Rules
Transportation
Utilities and Energy
Water, Parks, and Wildlife

AGING AND LONG TERM CARE

Area Agencies on Aging
Department of Aging
Long term care services
Older Americans Act
Older Californians Act
Senior citizens advocacy activities
Senior Legislature
Services for seniors in residential and day settings
State Commission on Aging

AGRICULTURE

Agricultural commissions
Agricultural commodities
Department of Food and Agriculture
Expositions and fairs
Farmers markets
Food access
Food labeling
Labeling of agricultural commodities
Livestock and poultry
Marketing orders and agreements
Milk and milk products
Pest management
Veterinarians: agricultural issues

APPROPRIATIONS

Deficiency bills
Fiscal bills
General obligation bond acts
Judgment and settlement bills
Revenue bonds
State mandated claims bills

ARTS, ENTERTAINMENT, SPORTS, AND TOURISM

Arts
Athletics, State Athletic Commission
Entertainment

Motion picture industry
Museums
Tourism

BANKING AND FINANCE

California Pollution Control Financing Authority
Charitable and cooperative corporation law
Consumer finance and credit reporting
Corporate securities law
Financial institutions
Foreign banking
Foreign investments in California financial institutions
Formation of new corporate entities
Franchises, except for arbitration of disputes between franchisor/franchisee
Industrial development bonds
Insurance finance and lending practices
Real property finance
State investment practices

BUDGET

Bills which establish state budget policy and procedures
Budget bill
Budget trailer bills which are not referred to a policy committee
Current fiscal year appropriations for new projects

BUSINESS AND PROFESSIONS

Creation of new regulatory agencies under the jurisdiction of the Department of
Consumer Affairs
Department of Cannabis Control
Licensing of health care professionals
Occupational licensing
Product labeling, except agricultural and medical
Sunsetting of boards and commissions under the jurisdiction of the Department
of Consumer Affairs
Veterinarians: licensing issues
Vocational education

COMMUNICATIONS AND CONVEYANCE

Broadband
Cable, Digital Infrastructure and Video Competition Act
Charter party carriers
Common carriers
Limousines
Passenger stage corporations
Supplier diversity related to CPUC regulated telecommunications
Telecommunications
Transportation Network Companies

EDUCATION

Adult education
Certificated employees of schools and teacher salaries
Charter schools
TK-12 education
Leasing of school property
Pupil records
School buses and crossing guards
School facilities and finance

ELECTIONS

California Political Reform Act
Campaign finance
Elections
Redistricting Procedures

EMERGENCY MANAGEMENT

California Emergency Services Act
Emergency communications: alerts and evacuation procedures
Emergency Medical Services Authority: statewide disaster coordination and response
Emergency services, excluding medical emergencies
Fire prevention and suppression programs
Fire safety, excluding residential building standards
Governor: State of Emergency Declarations and Executive Orders
Mutual Aid System: coordination and mobilization of resources
Natural disaster response

Office of Emergency Services
State Fire Marshal

ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Department of Pesticide Regulation
Drinking water regulation, toxic contamination of water
Emergency response relating to hazardous materials
Hazardous waste regulation and remediation
Pesticides
Pesticides: processed food and public health
Proposition 65
Regulation of consumer products containing toxic substances under the
 Sherman Food, Drug and Cosmetics Law
Toxic air contaminants and indoor air quality
Toxic substances and hazardous materials, except for workplace safety
Underground storage tank regulation and cleanup

GOVERNMENTAL ORGANIZATION

Alcoholic Beverage Control
Gaming
Horse racing
Offices of the Governor, Lieutenant Governor, State Controller, and State
 Treasurer
Open meetings laws as they affect state government
Outdoor Advertising Act
State contracting
State holidays, seals, and official acts
State Lottery
Tobacco products

HEALTH

Alcohol and drug abuse treatment
Developmental disabilities: insurance coverage
Emergency Medical Services Authority
Health care
Hospital management and safety
Licensing of hospitals and health care facilities
Mental health, except mentally disordered offenders
Prescriptions

Public health programs
Tobacco products

HIGHER EDUCATION

Academic research partnerships with the private sector
Community college job training programs
Postsecondary education, financial aid and campuses

HOUSING AND COMMUNITY DEVELOPMENT

Condominium conversions
Discrimination in housing
Housing element
Housing rehabilitation
Mobile homes
Public finance of housing
Redevelopment
Rent control
Residential building standards
Structural fire safety
Subdivision Map Act re: housing

HUMAN SERVICES

Children's programs and services
Department of Social Services programs
Foster care
Licensing and regulation of community & child care facilities
Public assistance (General Assistance, CalWORKs, and SSI/SSP)
Services for people with developmental disabilities
Services for people with physical disabilities

INSURANCE

Disability insurance
Insurance
Insurance investment, excluding finance, lending and lending practices
Unemployment compensation
Vehicle financial responsibility
Workers' compensation

JOBS, ECONOMIC DEVELOPMENT, AND THE ECONOMY

Business advocacy
California-Mexico relations
California's overseas trade offices
Development and expansion of new technologies, except energy
Disabled Veteran Business Enterprise Program (DVBE)
Economic disaster relief
Economic impact reports
Effect of balance of trade issues on California
Expansion of overseas markets
Foreign investments
Governor's Office of Business & Economic Development
Impacts of federal budget on high tech projects
Industrial innovation and research
International trade
Intrastate commerce
Seaports
Sister state agreements and friendship agreements with other nations
Small business
State and local economic development
Women and minority business enterprises (WMBE)

JUDICIARY

Administration of justice and court personnel
Administrative Procedure Act and Office of Administrative Law
Adoptions
Arbitration of disputes between franchisor/franchisee
Civil Code
Code of Civil Procedure
Condemnation
Confidentiality of civil court records
Eminent Domain
Enforcement of judgments
Evidence Code, excluding criminal procedure
Family law
Landlord/tenant relations
Legal notices
Liens
Notary Public
Probate Code

Product liability
Property acquisition law
Public administration of estates
Public records and Public Records Act
State Bar
Tort liability
Trade restraints

LABOR AND EMPLOYMENT

Agricultural Labor Relations Act
Discrimination in employment
Employment Development Department
Unemployment insurance -- length of coverage
Workplace safety regulations and Cal-OSHA

LOCAL GOVERNMENT

City, County and Special District Organization, Powers and Duties
City and County general plans, land use, and housing element
Joint Exercise of Powers Act
Local Agency Formation Commissions (LAFCOs)
Local Government Finance, including general and special taxes, property taxes, fees, charges, and assessments
Open Meetings (Ralph M. Brown Act)

MILITARY AND VETERANS AFFAIRS

Cal-Vet loan program
Department of Veterans Affairs
National Guard
State military
Veterans

NATURAL RESOURCES

Air quality
Beverage Container Recycling Act
California Coastal Act
California Coastal Commission
California Environmental Quality Act, and assessment of environmental impacts
Climate change

Department of Conservation programs
Energy conservation, research, development, and demonstration and siting of power plants
Forestry
Harbors
Natural Community Conservation Planning Act (land use planning)
Oil Spill Prevention and Response Act
San Francisco Bay Conservation and Development Commission
Solid waste management, except hazardous substances
State lands
State conservancies
Stationary source air pollution
Subdivision Map Act re: timber, coastal, agricultural land use
Tidelands and submerged lands
Vessel traffic management systems (VTMS)
Wild and scenic rivers

PRIVACY AND CONSUMER PROTECTION

Charitable solicitation
Consumer protection
Department of Technology
False advertising
Information Technology, including state procurement, security, and standards
Privacy
Protection of personal information including but not limited to digital information
Security of data
Weights and measures

PUBLIC EMPLOYMENT AND RETIREMENT

Public employee collective bargaining
Public employment: state, local, and classified school employees
Public retirement administration and investment strategy

PUBLIC SAFETY

Asset forfeiture
Confidentiality of criminal court records
Controlled substances
Crime victims and restitution
Criminal procedure

Driving under the influence
Felony offenses and those misdemeanor violations not incidental to the
subject of another committee
Grand juries
Impoundment of vehicles
Inspection of stolen vehicles
Juvenile law
Peace officers
Penal Code
Qualifications of counsel in criminal matters
Youth authority and prisons -- construction and discipline

REVENUE AND TAXATION

All matters relating to taxation

RULES

Business of the Legislature

TRANSPORTATION

California Highway Patrol
Drivers' licenses
Highways and airports
Mass transit systems
Mobile sources of air pollution
School bus safety and maintenance
Seaports and physical infrastructure
Transit authority
Transportation financing
Vehicles, aircraft, and vessels: operation, safety, equipment, transfer of
ownership, licensing and registration
Vehicle weight restrictions

UTILITIES AND ENERGY

California Energy Commission
California Independent System Operator
California Public Utilities Commission (CPUC)
CPUC oversight and reform

Electric generation: biogas, biomass, coal, geothermal, hydroelectric, natural gas, nuclear, renewables, solar, and wind

Electric grid

Energy efficiency, energy conservation, and demand response

Energy service providers

Energy storage

Natural Gas

Power plant siting

Railroads

Supplier diversity related to CPUC regulated energy, water, and railroad

Utility rates: electric, gas, water, and vessels

Water utilities

WATER, PARKS, AND WILDLIFE

Department of Water Resources

Drought relief

Fish and game

Flood control

Native plants

Natural Community Conservation Planning Act

Parks and recreation

State Historical Resources Commission

State Water Resources Control Board

Stream resource management

Water and water supply planning

Water rights and water banks

Wildlife



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DIANE B. DIXON (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 1/3/2024
Re: Consent Bill Referrals

Attached is a list of referral recommendations.

REFERRAL OF BILLS TO COMMITTEE

01/04/2024

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>AB 1635</u>	H. & C.D.
<u>ACR 116</u>	RLS.
<u>HR 58</u>	HEALTH
<u>HR 59</u>	RLS.
<u>SCR 61</u>	RLS.
<u>SCR 69</u>	RLS.
<u>SCR 88</u>	RLS.
<u>SCR 92</u>	RLS.

Assembly Concurrent Resolution

No. 116

Introduced by Assembly Member Wilson
(Coauthors: Assembly Members Bonta, Bryan, Gipson, Holden,
Jackson, Jones-Sawyer, McCarty, McKinnor, and Weber)
(Coauthors: Senators Bradford and Smallwood-Cuevas)

September 8, 2023

Assembly Concurrent Resolution No. 116—Relative to Reverend Dr. Martin Luther King, Jr.

LEGISLATIVE COUNSEL’S DIGEST

ACR 116, as introduced, Wilson. Dr. Martin Luther King, Jr. Day.
This measure would honor the late civil rights pioneer Reverend Dr. Martin Luther King, Jr. and commemorate Dr. Martin Luther King, Jr. Day.

Fiscal committee: no.

- 1 WHEREAS, On Monday, January 15, 2024, Dr. Martin Luther
2 King, Jr. would have been 95 years of age; and
3 WHEREAS, On Monday, January 15, 2024, Dr. Martin Luther
4 King, Jr. Day will be celebrated in remembrance of the late civil
5 rights pioneer and Baptist minister Reverend Dr. Martin Luther
6 King, Jr.; and
7 WHEREAS, On April 8, 1968, just four days after Dr. Martin
8 Luther King, Jr. was assassinated in Memphis, Tennessee,
9 Congressman John Conyers, Jr. (D-Mich.) introduced the first bill
10 to establish January 15, Dr. King’s birthday, as a federal holiday;
11 and

1 WHEREAS, On April 10, 1970, California became the first
2 state to pass legislation making Dr. King’s birthday a school
3 holiday and, subsequently, a statewide holiday; and

4 WHEREAS, In 1979, another 11 years went by for Conyers’
5 motion for the federal holiday to come up for a vote on the floor
6 of the House of Representatives; and

7 WHEREAS, In November 1983, President Ronald Reagan
8 signed the bill creating a United States federal holiday in honor of
9 Dr. King after years of campaigning by activists, recording artist
10 Stevie Wonder, members of the United States Congress, and Dr.
11 King’s wife, the late Coretta Scott King; and

12 WHEREAS, The first federal holiday honoring Dr. King was
13 celebrated in 1986; and

14 WHEREAS, By 1986, 17 states had already adopted the federal
15 holiday. But strong resistance by several states to observe this day
16 as a state holiday continued for years; and

17 WHEREAS, In 2000, Dr. Martin Luther King, Jr. Day was
18 finally observed in all states in some form. However, several states
19 have extended names for the holiday; and

20 WHEREAS, In 1964, Dr. King received the Nobel Peace Prize
21 in Oslo, Norway, for dynamic leadership of the Civil Rights
22 Movement and steadfast commitment to achieving racial justice
23 through nonviolent action. Dr. King pledged the prize money to
24 the movement’s continued development. At the age of 35, Dr.
25 King became the youngest man, and only the second African
26 American, to receive the prestigious award; and

27 WHEREAS, Dr. King and the Civil Rights Movement helped
28 change public policy from segregation to integration, resulting in
29 the repeal of the post-Reconstruction era state laws mandating
30 racial segregation in the South, known as the “Jim Crow Laws,”
31 thereby leading to the passage of the Civil Rights Act of 1964,
32 which was signed into law by President Lyndon Johnson on July
33 2, 1964, and has been effective for nearly 59 years, the Voting
34 Rights Act of 1965, and other antidiscrimination laws aimed at
35 ending economic, legal, and social segregation in America; and

36 WHEREAS, Dr. King, in the last months of life, began
37 organizing a Poor People’s Campaign to, among other things,
38 assemble “a multiracial army of the poor that would descend on
39 Washington—engaging in nonviolent civil disobedience at the
40 Capitol, if need be—until Congress enacted a poor people’s bill

1 of rights,” and 2018 marked the 50th anniversary of this campaign;
2 and

3 WHEREAS, Dr. King and the Civil Rights Movement helped
4 change public policy from legal and socially acceptable
5 discrimination and segregation to an open and accessible policy
6 of racial integration leading to equal participation in and access to
7 primary and higher education, housing, employment, transportation,
8 federal, state, and local governmental elections, and other aspects
9 of public policy relating to human rights; and

10 WHEREAS, The life of the Reverend Dr. Martin Luther King,
11 Jr. was devoted to fighting segregation and injustice by nonviolent
12 means and is an outstanding example of courageous leadership in
13 the face of unrelenting violence and harassment by individuals
14 and governmental institutions; and

15 WHEREAS, In 1968, Dr. King’s wife, Mrs. Coretta Scott King,
16 officially founded the Martin Luther King, Jr. Center for
17 Nonviolent Social Change, dedicated to being a “living memorial”
18 aimed at continuing Dr. King’s work on important social ills around
19 the world; and

20 WHEREAS, Dr. King’s assassination nearly 55 years ago
21 changed America and we continue to work toward racial equality,
22 economic justice, and peace; and

23 WHEREAS, The Reverend Dr. Martin Luther King, Jr. is a
24 source of inspiration for all Americans; now, therefore, be it

25 *Resolved by the Assembly of the State of California, the Senate*
26 *thereof concurring*, That the Legislature recognizes the benefits
27 of the collaborative work by many organizations that promote,
28 facilitate, and carry out needed service projects nationwide; and
29 be it further

30 *Resolved*, That the Legislature encourages its members and
31 colleagues to urge their constituents to participate in community
32 service projects; and be it further

33 *Resolved*, That the Legislature acknowledges that, by serving
34 one’s country, one’s community, and one’s neighbor, our nation
35 makes progress in civility, equality, and unity consistent with the
36 values and life’s work of Dr. Martin Luther King, Jr.; and be it
37 further

38 *Resolved*, That the Legislature honors the late Reverend Dr.
39 Martin Luther King, Jr. and commemorates Dr. Martin Luther
40 King, Jr. Day; and be it further

ACR 116

— 4 —

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

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99

Date of Hearing: January 4, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
ACR 116 (Wilson) – As Introduced September 8, 2023

SUBJECT: Dr. Martin Luther King, Jr. Day.

SUMMARY: Honors the late civil rights pioneer Reverend Dr. Martin Luther King, Jr. and commemorates Dr. Martin Luther King, Jr. Day. Specifically, **this resolution** makes the following legislative findings:

- 1) On Monday, January 15, 2024, Dr. Martin Luther King, Jr. Day will be celebrated in remembrance of the late civil rights pioneer and Baptist minister Reverend Dr. Martin Luther King, Jr.
- 2) On April 10, 1970, California became the first state to pass legislation making Dr. King’s birthday a school holiday and, subsequently, a statewide holiday.
- 3) The life of the Dr. King was devoted to fighting segregation and injustice by nonviolent means and is an outstanding example of courageous leadership in the face of unrelenting violence and harassment by individuals and governmental institutions.
- 4) Dr. King and the Civil Rights Movement helped change public policy from segregation to integration, resulting in the repeal of the post-Reconstruction era state laws mandating racial segregation in the South, known as the “Jim Crow Laws,” thereby leading to the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and other antidiscrimination laws aimed at ending economic, legal, and social segregation in America.
- 5) Dr. King and the Civil Rights Movement helped change public policy to an open and accessible policy of racial integration leading to equal participation in and access to primary and higher education, housing, employment, transportation, federal, state, and local governmental elections, and other aspects of public policy relating to human rights.
- 6) Dr. King’s assassination nearly 56 years ago changed America and we continue to work toward racial equality, economic justice, and peace. The Reverend Dr. Martin Luther King, Jr. is a source of inspiration for all Americans.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

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California State Senate

SENATOR
SCOTT WIENER

威善高

ELEVENTH SENATE DISTRICT



MENTAL HEALTH CAUCUS
CHAIR
LEGISLATIVE JEWISH CAUCUS
CO-CHAIR
COMMITTEES:
HOUSING
CHAIR
APPROPRIATIONS
GOVERNANCE & FINANCE
HEALTH
JOINT RULES
JUDICIARY
LEGISLATIVE ETHICS
PUBLIC SAFETY
SELECT COMMITTEE ON
BAY AREA PUBLIC TRANSIT
CHAIR
SELECT COMMITTEE ON
MENTAL HEALTH & ADDICTION
CHAIR

December 20, 2023

Honorable Blanca Pacheco
Chair, Assembly Rules Committee
1021 O Street, Suite 6250
Sacramento, CA 95814

Dear Chair Pacheco,

I write to request an Urgency Clause for Senate Bill 339, which would increase the time that pharmacists are authorized to furnish pre-exposure prophylaxis (PrEP) – a highly effective HIV prevention medication – from 60 days to 90 days and beyond if specified conditions are met. The bill would also require health plans to reimburse pharmacists for their services and related testing in providing PrEP.

The Urgency Clause is necessary to protect the public health of vulnerable populations impacted by HIV in California. In October 2023, the Centers for Disease Control and Prevention released new data indicating that just over one-third of people nationwide who could benefit from PrEP were taking it in 2022, and there continue to be major disparities among white, Black, and Latino Americans. California must do everything it can to ensure that the people who could most benefit from PrEP have access to it.

If enacted immediately, SB 339 would allow the State Board of Pharmacy the ability to draft emergency regulations for pharmacists to begin providing this service sooner and help to reduce HIV transmission in vulnerable populations.

Thank you for your consideration,

A handwritten signature in black ink that reads "Scott Wiener".

Scott Wiener
Senator, 11th District

AMENDED IN ASSEMBLY SEPTEMBER 1, 2023

AMENDED IN ASSEMBLY JUNE 29, 2023

AMENDED IN SENATE MARCH 14, 2023

SENATE BILL

No. 339

Introduced by Senator Wiener

(Principal coauthor: Assembly Member Gipson)

(Coauthors: Senators ~~Laird Ashby~~, *Laird*, and Newman)

(~~Coauthor: Assembly Member Low~~)-(Coauthors: Assembly Members
Haney and Low)

February 7, 2023

An act to amend Section 4052.02 of the Business and Professions Code, to amend Section 1342.74 of the Health and Safety Code, to amend Section 10123.1933 of the Insurance Code, and to amend Section 14132.968 of the Welfare and Institutions Code, relating to prescription drugs.

LEGISLATIVE COUNSEL'S DIGEST

SB 339, as amended, Wiener. HIV preexposure prophylaxis and postexposure prophylaxis.

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. Existing law authorizes a pharmacist to furnish at least a 30-day supply of HIV preexposure prophylaxis, and up to a 60-day supply of those drugs if certain conditions are met. Existing law also authorizes a pharmacist to furnish postexposure prophylaxis to a patient if certain conditions are met.

This bill would authorize a pharmacist to furnish up to a 90-day course of preexposure prophylaxis, or preexposure prophylaxis beyond a 90-day

96

course, if specified conditions are met. The bill would require the California State Board of Pharmacy to adopt emergency regulations to implement these provisions by July 1, 2024.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law prohibits a health care service plan or health insurer from covering preexposure prophylaxis that has been furnished by a pharmacist in excess of a 60-day supply once every 2 years.

Existing law provides for the Medi-Cal program administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services pursuant to a schedule of benefits. The existing schedule of benefits includes coverage for preexposure prophylaxis as pharmacist services, limited to no more than a 60-day supply furnished by a pharmacist once every 2 years, and includes coverage for postexposure prophylaxis, subject to approval by the federal Centers for Medicare and Medicaid Services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions.

This bill would require a health care service plan and health insurer to cover preexposure prophylaxis and postexposure prophylaxis furnished by a pharmacist, including ~~costs for~~ the pharmacist's services and related testing ordered by the pharmacist, and to pay or reimburse ~~the cost of~~ for the service performed by a pharmacist at an in-network pharmacy or a pharmacist at an out-of-network pharmacy if the health care service plan or health insurer has an out-of-network pharmacy ~~benefit.~~ *benefit, except as specified.* The bill would include preexposure prophylaxis furnished by a pharmacist as pharmacist services on the Medi-Cal schedule of benefits. Because a willful violation of these provisions by a health care service plan would be a crime, this 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 4052.02 of the Business and Professions
2 Code is amended to read:

3 4052.02. (a) Notwithstanding any other law, a pharmacist may
4 initiate and furnish HIV preexposure prophylaxis in accordance
5 with this section.

6 (b) For purposes of this section, “preexposure prophylaxis”
7 means a prescription drug approved by the federal Food and Drug
8 Administration or recommended by the federal Centers for Disease
9 Control and Prevention to reduce a person’s chance of contracting
10 HIV.

11 (c) For purposes of this section, “CDC guidelines” means the
12 “2017 Preexposure Prophylaxis for the Prevention of HIV Infection
13 in the United States–2017 Update: A Clinical Practice Guideline,”
14 or any subsequent guidelines or recommendations published by
15 the federal Centers for Disease Control and Prevention.

16 (d) Before furnishing preexposure prophylaxis to a patient, a
17 pharmacist shall complete a training program approved by the
18 board, in consultation with the Medical Board of California, on
19 the use of preexposure prophylaxis and postexposure prophylaxis.
20 The training shall include information about financial assistance
21 programs for preexposure prophylaxis and postexposure
22 prophylaxis, including the HIV prevention program described in
23 Section 120972 of the Health and Safety Code. The board shall
24 consult with the Medical Board of California as well as relevant
25 stakeholders, including, but not limited to, the Office of AIDS,
26 within the State Department of Public Health, on training programs
27 that are appropriate to meet the requirements of this subdivision.

28 (e) A pharmacist may furnish up to a 90-day course of
29 preexposure prophylaxis if all of the following conditions are met:

30 (1) The patient is HIV negative, as documented by a negative
31 HIV test result obtained consistent with CDC guidelines. If the
32 patient does not provide evidence of a negative HIV test in
33 accordance with this paragraph, the pharmacist shall order an HIV
34 test. If the test results are not transmitted directly to the pharmacist,
35 the pharmacist shall verify the test results to the pharmacist’s
36 satisfaction. If the patient tests positive for HIV infection, the
37 pharmacist or person administering the test shall direct the patient

1 to a primary care provider and provide a list of providers and clinics
2 in the region.

3 (2) The patient does not report any signs or symptoms of acute
4 HIV infection on a self-reported checklist of acute HIV infection
5 signs and symptoms.

6 (3) The patient does not report taking any contraindicated
7 medications.

8 (4) The pharmacist provides counseling to the patient on the
9 ongoing use of preexposure prophylaxis, which may include
10 education about side effects, safety during pregnancy and
11 breastfeeding, adherence to recommended dosing, and the
12 importance of timely testing and treatment, as applicable, for HIV,
13 renal function, hepatitis B, hepatitis C, sexually transmitted
14 diseases, and pregnancy for individuals of childbearing capacity.

15 (5) The pharmacist notifies the patient that the patient may need
16 to be seen by a primary care provider to receive subsequent
17 prescriptions for preexposure prophylaxis and that a pharmacist
18 may not furnish a 90-day course of preexposure prophylaxis to a
19 single patient more than once every two years unless the pharmacist
20 ensures that the patient receives testing and followup care
21 consistent with CDC guidelines.

22 (6) The pharmacist documents, to the extent possible, the
23 services provided by the pharmacist in the patient's record in the
24 record system maintained by the pharmacy. The pharmacist shall
25 maintain records of preexposure prophylaxis furnished to each
26 patient.

27 (7) The pharmacist does not furnish more than a 90-day course
28 of preexposure prophylaxis to a single patient more than once
29 every two years, unless directed otherwise by a prescriber.

30 (8) The pharmacist notifies the patient's primary care provider
31 that the pharmacist completed the requirements specified in this
32 subdivision. If the patient does not have a primary care provider,
33 or refuses consent to notify the patient's primary care provider,
34 the pharmacist shall provide the patient a list of primary care
35 providers in the region.

36 (f) (1) A pharmacist may furnish preexposure prophylaxis
37 beyond a 90-day course if all of the following conditions are met:

38 (1)

39 (A) The pharmacist ensures that the patient receives testing and
40 followup care consistent with CDC guidelines, which may include

1 timely testing and treatment, as applicable, for HIV, renal function,
2 hepatitis B, hepatitis C, sexually transmitted diseases, and
3 pregnancy for individuals of childbearing capacity.

4 ~~(2)~~

5 (B) The pharmacist documents, to the extent possible, the
6 services provided by the pharmacist in the patient’s record in the
7 record system maintained by the pharmacy. The pharmacist shall
8 maintain records of preexposure prophylaxis furnished to each
9 patient.

10 ~~(3)~~

11 (C) The pharmacist notifies the patient’s primary care provider
12 that the pharmacist completed the requirements specified in this
13 subdivision. If the patient does not have a primary care provider,
14 or refuses consent to notify the patient’s primary care provider,
15 the pharmacist shall provide the patient a list of primary care
16 providers in the region.

17 (2) *Notwithstanding paragraph (1), this section shall not be*
18 *construed to expand the scope of practice of a pharmacist beyond*
19 *that which is authorized by Sections 4052 and 4052.4.*

20 (g) A pharmacist initiating or furnishing preexposure
21 prophylaxis shall not permit the person to whom the drug is
22 furnished to waive the consultation required by the board.

23 (h) The board, by July 1, 2024, shall adopt emergency
24 regulations to implement this section in accordance with CDC
25 guidelines. The adoption of regulations pursuant to this subdivision
26 shall be deemed to be an emergency and necessary for the
27 immediate preservation of the public peace, health, safety, or
28 general welfare. The board shall consult with the Medical Board
29 of California in developing regulations pursuant to this subdivision.

30 SEC. 2. Section 1342.74 of the Health and Safety Code is
31 amended to read:

32 1342.74. (a) (1) Notwithstanding Section 1342.71, a health
33 care service plan shall not subject antiretroviral drugs that are
34 medically necessary for the prevention of AIDS/HIV, including
35 preexposure prophylaxis or postexposure prophylaxis, to prior
36 authorization or step therapy, except as provided in paragraph (2).

37 (2) If the United States Food and Drug Administration has
38 approved one or more therapeutic ~~equivalents~~ *alternatives* of a
39 drug, device, or product for the prevention of AIDS/HIV, this
40 section does not require a health care service plan to cover all of

1 the therapeutically ~~equivalent~~ *alternative* versions without prior
 2 authorization or step therapy, if at least one therapeutically
 3 ~~equivalent~~ *alternative* version is covered without prior
 4 authorization or step therapy.

5 (b) Notwithstanding any other law, a health care service plan
 6 shall not prohibit, or permit a delegated pharmacy benefit manager
 7 to prohibit, a pharmacy provider from dispensing preexposure
 8 prophylaxis or postexposure prophylaxis.

9 (c) A health care service plan shall cover preexposure
 10 prophylaxis and postexposure prophylaxis that has been furnished
 11 by a pharmacist, as authorized in Sections 4052.02 and 4052.03
 12 of the Business and Professions Code, including ~~costs~~ for the
 13 pharmacist's services and related testing ordered by the pharmacist.
 14 A health care service plan shall pay or ~~reimburse the cost of~~
 15 *reimburse, consistent with the requirements of this chapter, for*
 16 the service performed by a pharmacist at an in-network pharmacy
 17 or a pharmacist at an out-of-network pharmacy if the health care
 18 service plan has an out-of-network pharmacy benefit.

19 (d) This section does not require a health care service plan to
 20 cover preexposure prophylaxis or postexposure prophylaxis by a
 21 pharmacist at an out-of-network pharmacy, unless the health care
 22 service plan has an out-of-network pharmacy benefit.

23 (e) *This section shall not apply to Medi-Cal managed care plans*
 24 *contracting with the State Department of Health Care Services*
 25 *pursuant to Chapter 7 (commencing with Section 14000), Chapter*
 26 *8 (commencing with Section 14200), or Chapter 8.75 (commencing*
 27 *with Section 14590) of Part 3 of Division 9 of the Welfare and*
 28 *Institutions Code, to the extent that the services described in this*
 29 *section are excluded from coverage under the contract between*
 30 *the Medi-Cal managed care plans and the State Department of*
 31 *Health Care Services.*

32 SEC. 3. Section 10123.1933 of the Insurance Code is amended
 33 to read:

34 10123.1933. (a) (1) Notwithstanding Section 10123.201, a
 35 health insurer shall not subject antiretroviral drugs that are
 36 medically necessary for the prevention of AIDS/HIV, including
 37 preexposure prophylaxis or postexposure prophylaxis, to prior
 38 authorization or step therapy, except as provided in paragraph (2).

39 (2) If the United States Food and Drug Administration has
 40 approved one or more therapeutic ~~equivalents~~ *alternatives* of a

1 drug, device, or product for the prevention of AIDS/HIV, this
2 section does not require a health insurer to cover all of the
3 therapeutically—~~equivalent~~ *alternative* versions without prior
4 authorization or step therapy, if at least one therapeutically
5 ~~equivalent~~ *alternative* version is covered without prior
6 authorization or step therapy.

7 (b) Notwithstanding any other law, a health insurer shall not
8 prohibit, or permit a contracted pharmacy benefit manager to
9 prohibit, a pharmacist from dispensing preexposure prophylaxis
10 or postexposure prophylaxis.

11 (c) A health insurer shall cover preexposure prophylaxis and
12 postexposure prophylaxis that has been furnished by a pharmacist,
13 as authorized in Sections 4052.02 and 4052.03 of the Business and
14 Professions Code, including—~~costs for~~ the pharmacist’s services
15 and related testing ordered by the pharmacist. A health insurer
16 shall pay or ~~reimburse the cost of~~ *reimburse, consistent with the*
17 *requirements of this chapter*, for the service performed by a
18 pharmacist at an in-network pharmacy or a pharmacist at an
19 out-of-network pharmacy if the health insurer has an
20 out-of-network pharmacy benefit.

21 SEC. 4. Section 14132.968 of the Welfare and Institutions
22 Code is amended to read:

23 14132.968. (a) (1) Pharmacist services are a benefit under the
24 Medi-Cal program, subject to approval by the federal Centers for
25 Medicare and Medicaid Services.

26 (2) The department shall establish a fee schedule for the list of
27 pharmacist services.

28 (3) The rate of reimbursement for pharmacist services shall be
29 at 85 percent of the fee schedule for physician services under the
30 Medi-Cal program, except for medication therapy management
31 (MTM) pharmacist services as described in Section 14132.969.

32 (b) (1) The following services are covered pharmacist services
33 that may be provided to a Medi-Cal beneficiary:

34 (A) Furnishing travel medications, as authorized in clause (3)
35 of subparagraph (A) of paragraph (10) of subdivision (a) of Section
36 4052 of the Business and Professions Code.

37 (B) Furnishing naloxone hydrochloride, as authorized in Section
38 4052.01 of the Business and Professions Code.

1 (C) Furnishing self-administered hormonal contraception, as
2 authorized in subdivision (a) of Section 4052.3 of the Business
3 and Professions Code.

4 (D) Initiating and administering immunizations, as authorized
5 in Section 4052.8 of the Business and Professions Code.

6 (E) Providing tobacco cessation counseling and furnishing
7 nicotine replacement therapy, as authorized in Section 4052.9 of
8 the Business and Professions Code.

9 (F) Initiating and furnishing preexposure prophylaxis, as
10 authorized in Section 4052.02 of the Business and Professions
11 Code.

12 (G) Initiating and furnishing postexposure prophylaxis, as
13 authorized in Section 4052.03 of the Business and Professions
14 Code.

15 (H) Providing MTM pharmacist services in conjunction with
16 the dispensing of qualified specialty drugs, as described in Section
17 14132.969.

18 (2) Covered pharmacist services shall be subject to department
19 protocols and utilization controls.

20 (c) A pharmacist shall be enrolled as an ordering, referring, and
21 prescribing provider under the Medi-Cal program prior to rendering
22 a pharmacist service that is submitted by a Medi-Cal pharmacy
23 provider for reimbursement pursuant to this section.

24 (d) (1) The director shall seek any necessary federal approvals
25 to implement this section. This section shall not be implemented
26 until the necessary federal approvals are obtained and shall be
27 implemented only to the extent that federal financial participation
28 is available.

29 (2) This section neither restricts nor prohibits any services
30 currently provided by pharmacists as authorized by law, including,
31 but not limited to, this chapter, or the Medicaid state plan.

32 (e) Notwithstanding Chapter 3.5 (commencing with Section
33 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
34 the department may implement, interpret, or make specific this
35 section, and any applicable federal waivers and state plan
36 amendments, by means of all-county letters, plan letters, plan or
37 provider bulletins, or similar instructions, without taking regulatory
38 action. By July 1, 2021, the department shall adopt regulations in
39 accordance with the requirements of Chapter 3.5 (commencing
40 with Section 11340) of Part 1 of Division 3 of Title 2 of the

1 Government Code. Commencing July 1, 2017, the department
2 shall provide a status report to the Legislature on a semiannual
3 basis, in compliance with Section 9795 of the Government Code,
4 until regulations have been adopted.

5 SEC. 5. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

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**ADMINISTRATIVE ITEM:
2024 ASSEMBLY HOLIDAY SCHEDULE**

ISSUE:

Approval of the proposed holiday schedule for the year 2024.

BACKGROUND:

The Assembly Committee on Rules is responsible for creating a holiday schedule to be observed by Assembly employees during the calendar year.

In addition, the Rules Committee has authorized Assembly employees to take two personal holidays at any time during the year with the approval of the Assemblymember or supervisor.

In the instances where the proposed Assembly holiday differs from the State holiday, Assembly precedent has been followed.

RECOMMENDATION:

Approve

2024 ASSEMBLY HOLIDAY SCHEDULE

The following are proposed holidays to be observed by the Assembly in 2024:

Monday, January 15 - MARTIN LUTHER KING, JR. DAY

Monday, February 19 - PRESIDENTS' DAY

Friday, March 29 - CESAR CHAVEZ DAY

Monday, May 27 - MEMORIAL DAY

Thursday, July 4 - INDEPENDENCE DAY

Monday, September 2 - LABOR DAY

Monday, November 11 - VETERANS DAY

Thursday and Friday, November 28 and 29 - THANKSGIVING

Monday, Tuesday, and Wednesday - December 23, 24, and 25 - WINTER HOLIDAY

Tuesday, December 31, 2024 and Wednesday, January 1, 2025 - NEW YEAR HOLIDAY

In addition, the Rules Committee has authorized Assembly employees to take two personal holidays at any time during the year with the approval of the Assemblymember or supervisor. A personal holiday may be used on the following state holidays:

- Saturday, February 10 - Lunar New Year
- Wednesday, April 24 - Genocide Remembrance Day
- Wednesday, June 19 - Juneteenth
- Friday, September 27 - Native American Day

**ADMINISTRATIVE ITEM:
SELECTION OF THE JOINT COMMITTEE ON RULES CHAIR**

ISSUE:

Selection of Blanca Pacheco as the Chair of the Joint Committee on Rules.

BACKGROUND:

Joint Rule 40 of the Joint Rules of the Senate and Assembly enumerates the duties and powers of the Joint Committee on Rules. One of the duties is to select a chairperson from its membership. The vice-chairperson of the committee shall be one of the Senate members of the committee, to be selected by the Senate Committee on Rules. The Chair of the Joint Committee on Rules has traditionally been the Chair of the Assembly Committee on Rules. Assemblymember Blanca Pacheco is the Chair of the Assembly Rules Committee. She was appointed by Speaker Robert Rivas on November 21, 2023.

RECOMMENDATION:

Confirm Assemblymember Blanca Pacheco as the Chair of the Joint Committee on Rules.