

ASSEMBLY COMMITTEE ON BUSINESS & PROFESSIONS
HONORABLE GLORIA NEGRETE MCLEOD, CHAIR
HONORABLE SHIRLEY HORTON, VICE CHAIR

The jurisdiction of the Assembly Business and Professions Committee includes: scope of practice, licensing and enforcement issues for all boards and bureaus at the Department of Consumer Affairs (medical and non-medical); state government organization and reorganization; creation and elimination (sunsetting) of regulatory agencies, boards and commissions; governmental efficiency and cost control; consumer protection; the Department of General Services; state procurement and public contracts; state and local government property acquisition law; the Administrative Procedure Act and Office of Administrative Law; charitable solicitations; product labeling; weights and measures, including accuracy of product pricing.

More than 300 bills were referred to the Assembly Business and Professions Committee during the 2005-06 session of the California State Legislature. A substantial proportion of these bills related to the Committee's primary jurisdiction – consumer protection.

The protection of consumers involves diverse subjects ranging from information privacy to the oversight of dozens of businesses and professions throughout California, including: accountancy; acupuncture; arbitration certification; architects; automotive repair; barbering and cosmetology; behavioral sciences; contractors; court reporters; dentists and dental auxiliaries; dispensing opticians; electronic and appliance repair; funeral, cemetery, and crematory establishments; geologists and geophysicists; guide dogs for the blind; hearing aid dispensers; home furnishings and thermal insulation; land surveyors; landscape architects; midwives; nurse assistants; optometrists; pharmacists; physical therapists; physicians and surgeons; physician assistants; podiatrists; private postsecondary and vocational education; professional engineers; professional fiduciaries; psychiatric technicians; psychologists; registered nurses; respiratory care; security and investigative services; speech-language pathology and audiology; structural pest control; telephone medical advice; veterinarians and veterinary technicians; vocational nurses.

Examples of consumer-related issues recently considered by the Assembly Business and Professions Committee include:

- Prohibiting unsolicited emails (spam), computer "spyware," and Internet "phishing."
- Restricting the activities of telemarketers.

- Protecting consumers against identity theft and privacy invasion.
- Regulating identification cards from foreign nations.
- Regulating purchases of prescription drugs, including out-of-state purchases and importation (e.g., pharmaceuticals from Canada).
- Regulating emergency contraceptive drugs dispensed by pharmacists.
- Increasing penalties for healthcare professionals who break laws, including Medi-Cal fraud, workers' compensation fraud, and sexual misconduct.
- Strengthening requirements for clinical laboratories to report infectious diseases, including bioterrorism agents (e.g., anthrax and botulism).
- Revising the scope of practice of oral and maxillofacial surgeons.
- Reforming boards and bureaus at the Department of Consumer Affairs in order to increase accountability and ensure effective enforcement of consumer protection laws.
- Prohibiting "gag clauses" in legal settlements that prevent consumers from notifying regulatory agencies about malpractice by licensed professionals and businesses.
- Revising the authority of the Medical Board of California (MBC), including modifying requirements that physicians inform MBC when they are subject to various court judgments in cases involving negligence, errors or omissions.
- Regulating practices of naturopathic doctors.
- Revising laws governing certified nurse-midwives, including creating the Midwifery Advisory Council and expanding certified midwives' authority to administer prescription drugs.
- Revising the scope of practice of podiatrists.
- Requiring that motor vehicle manufacturers provide a vehicle owner with the necessary information to enable a locksmith to make a replacement key that enables the owner to enter, start, and operate the vehicle.
- Licensing and regulating professional fiduciaries (e.g., conservators and guardians).

- Enhancing consumer protections and disclosure requirements pertaining to rent-to-own contracts.
- Reforming laws governing private postsecondary and vocational education.
- Revising and reforming the comprehensive sellers of travel law, which regulates travel agents and the travel industry.
- Regulating petroleum distribution and motor fuel advertising.
- Regulating the construction industry, including home service and repair contractors and home inspectors.
- Regulating funeral homes, cemeteries, and crematories.
- Regulating veterinarians, including issues related to cloned and genetically modified pets, animal cruelty, dog tethering, pet shops, and pet breeders.
- Prohibiting the force-feeding of birds and the sale of foie gras ("fatty liver").
- Regulating private security guards and investigators.
- Regulating barbering and cosmetology, including issues related to probationary licenses issued to barbers and cosmetologists with criminal records.
- Regulating notaries public, including increased penalties for forgery and other violations of provisions related to notaries public.
- Regulating vacation ownership resorts (time-shares).
- Regulating service and repair warranties for the purchase of household appliances.
- Prohibiting unsolicited commercial advertising (junk) faxes.
- Regulating consumer rebates for the purchase of products and gift certificates purchased from businesses.
- Enforcing requirements that debt collectors disclose information to fully inform consumers about their rights under the law.

The second major subject area within the jurisdiction of the Assembly Business and Professions Committee is public contracting, which involves billions of dollars. Examples of relevant legislation recently considered by the Committee include:

- Authorizing government entities to use private sector investment capital to develop fee-producing infrastructure facilities.
- Establishing procedures for the expanded use of state property by wireless telecommunications service providers.
- Using state contracts to obtain information about marketing, research, and development expenditures of drug companies.
- Resolving disputes between local governments and their contractors as well as disputes between school districts and their contractors.
- Establishing "best value" contracting procedures as a cost savings alternative to traditional low-bid methods.
- Restricting state contracting with expatriate corporations that transfer their headquarters overseas in order to avoid federal and state taxes.
- Imposing restrictions on outsourcing jobs overseas, commonly known as "offshoring."
- Selling "surplus" state-owned property worth hundreds of millions of dollars.
- Adopting fuel-efficiency and air pollution emission standards for state-owned vehicles.
- Creating a new governance system for buying information technology.
- Expanding school facility, transportation, and other public works projects using the "design-build" approach to contracting as a cost-savings alternative to traditional contracting methods.
- Establishing outreach programs to encourage small and disabled veteran businesses to contract with public agencies.
- Retrofitting public buildings and private residences for seismic safety and energy efficiency.
- Creating restrictions and increased penalties on public contractors who violate the law.