

**25 SELECTED ASSEMBLY AND SENATE BILLS REFERRED TO THE
ASSEMBLY BUSINESS AND PROFESSIONS COMMITTEE DURING THE
2005 - 2006 LEGISLATIVE SESSION, PASSED BY THE ASSEMBLY AND
SENATE, AND SIGNED INTO LAW BY THE GOVERNOR**

Following is a summary of 25 selected Assembly and Senate bills referred to the Assembly Business and Professions Committee during the 2005-06 legislative session. These 25 legislative proposals are a small sample of the many significant bills considered by the Committee. All 25 bills passed both houses of the State Legislature and were signed into law by the Governor. (See the next two sections of this report for a summary of all Assembly bills [beginning on page 11] and all Senate bills [beginning on page 48] referred to the Committee.)

- 1) **AB 327 (De La Torre) Steven M. Thompson Physician Corps Loan Repayment Program: fees.**
Permits the Medical Board of California to give a physician and surgeon the option of making a \$50 voluntary donation upon the initial issuance or biennial renewal of a physician and surgeon's certificate in order to fund the Steven M. Thompson Physician Corps Loan Repayment Program (Thompson Program). The Thompson Program provides loan repayment grants to doctors that work in medically underserved areas.
Last Action: Chapter 293, Statutes of 2005.
- 2) **AB 512 (Richman) Clinical laboratories.**
Authorizes the Department of Health Services to revoke or suspend a clinical laboratory's license and/or impose specified civil money penalties on a laboratory for failure to comply with infectious disease reporting requirements. Diseases subject to reporting include bioterrorism agents (e.g., anthrax and botulism) that require reporting within one hour, and 22 other infectious diseases (e.g., diphtheria, hepatitis, and malaria) that must be reported within one working day.
Last Action: Chapter 219, Statutes of 2005.
- 3) **AB 585 (Negrete McLeod) Equipment dealers.**
Sets forth basic rights and obligations for contracts between a farm equipment dealer and a farm equipment manufacturer in order to ensure an appropriate and equitable relationship between California equipment dealers and out-of-state manufacturers. This bill is designed to be a model for legislation to be adopted in other states.
Last Action: Chapter 712, Statutes of 2005.
- 4) **AB 592 (Yee) Physicians and surgeons: Lyme Disease.**
Provides that a physician and surgeon who provides treatment of persistent Lyme Disease shall not be subject to discipline by the Medical Board of

California provided the care rendered conforms to the current requirements for alternative or complementary medicine.

Last Action: Chapter 304, Statutes of 2005.

5) **AB 594 (Karnette) Rental-purchase contracts: disclosures.**

Requires all rent-to-own contracts to disclose the total dollar amount and number of payments necessary to acquire ownership of the property subject to the rent-to-own contract, sets limits on the maximum dollar amount a rent-to-own dealer may charge a consumer under a rent-to-own contract, and makes other revisions relating to rent-to-own contracts under the Karnette Rental-Purchase Act.

Last Action: Chapter 410, Statutes of 2006.

6) **AB 861 (Bass) Barbering and cosmetology: probationary licenses: criminal records.**

Authorizes the Board of Barbering and Cosmetology (Board) to issue probationary licenses to applicants, subject to specified terms and conditions, and requires the Board to submit a report to the Legislature, on or before September 1, 2007, on the effects of current law, regulations and policy related to the licensing functions of the Board that may create unnecessary barriers to employing people with criminal records. The Board's report to the Legislature shall include an analysis of the age and severity of applicants' offenses and the number of applicants whose criminal records were limited to nonviolent drug offenses and misdemeanors.

Last Action: Chapter 411, Statutes of 2006.

7) **AB 1143 (Emmerson) Dentistry.**

Revises provisions that allow for a dentist licensed in another state to receive a special permit to practice dentistry at a California dental college. Requires an applicant for a special permit to furnish satisfactory evidence of successfully completing an examination in California law and ethics developed and administered by the Dental Board of California, and provides for restrictions related to the special permit requirements.

Last Action: Chapter 534, Statutes of 2005.

8) **AB 1195 (Coto) Continuing medical education: cultural and linguistic competency.**

Requires all continuing medical education courses to contain curriculum pertaining to cultural and linguistic competency in the practice of medicine by July 1, 2006. If the continuing medical education course does not contain a direct patient care component or is offered by an out-of-state provider, it shall not be required to meet this requirement.

Last Action: Chapter 514, Statutes of 2005.

9) **AB 1302 (Jerome Horton) State regulations: rulemaking restrictions.**

Restricts the ability of state agencies to adopt emergency regulations by

creating a narrower definition of "emergency," and adds new requirements for the factual showings that an agency must make to justify the adoption of an emergency regulation outside of the normal rulemaking process. This bill also establishes related procedures to be followed in the course of the rulemaking process prescribed by the Administrative Procedure Act.
Last Action: Chapter 713, Statutes of 2006.

10) AB 2260 (Negrete McLeod) Medical Board: civil settlement “gag clauses”: medical schools: unlicensed doctors.

Strengthens the ability of the Medical Board of California to fulfill its most vital function – the protection of patients – by prohibiting a civil settlement agreement from including a “gag clause” provision that would prevent any party to the dispute from contacting or filing a complaint with the Medical Board. Also enacts numerous other provisions to ensure that foreign doctors who are recruited to work at California medical schools do so within the appropriate classification and with the appropriate level of oversight by the Medical Board.

Last Action: Chapter 565, Statutes of 2006.

11) AB 2291 (Evans) Vehicle dealers: data security.

Prohibits auto manufacturers and auto distributors from accessing, modifying, or extracting information from an auto dealer's computer system without providing safeguards to protect that information. Prohibits a computer vendor from accessing, modifying, or extracting information from an auto dealer's computer system without first obtaining the dealer's express consent and providing safeguards to protect that information.

Last Action: Chapter 353, Statutes of 2006.

12) AB 2429 (Negrete McLeod) Real estate salespersons: licensure.

Helps ensure that real estate salespersons are properly trained before they provide services to consumers by requiring all applicants for a real estate salesperson license to complete specified courses and pass an examination before obtaining the license.

Last Action: Chapter 278, Statutes of 2006

13) AB 2877 (Frommer) Prescription drugs: importation: state website.

Requires the Department of Health Services (DHS) to establish a website to facilitate purchasing prescription drugs at reduced prices. Requires the website to contain price comparisons, including prices of, and links to, international pharmacies that meet specified requirements. Requires DHS to establish a prescription drug telephone hotline. Requires the Department of General Services to report to the Legislature on specified activities related to the procurement of prescription drugs.

Last Action: Chapter 720, Statutes of 2006.

14) **SB 97 (Murray) Commercial electronic mail: penalties.**

Establishes that it is a misdemeanor for a person to send unsolicited commercial e-mail advertising where the message or "header" contains false or misleading information, and provides that a violation of this provision is punishable by a fine of not more than \$1,000, imprisonment in a county jail for not more than six months, or both a fine and imprisonment.

Last Action: Chapter 247, Statutes of 2005.

15) **SB 231 (Figueroa) Medical Board of California.**

Extends the sunset date on the Medical Board of California (MBC) from January 1, 2007 to January 1, 2011. Requires physicians to inform MBC when they are subject to various court judgments in cases involving death or personal injury caused by negligence, errors or omissions. Requires MBC to post on the Internet physicians and surgeons who have been subject to discipline by MBC. Allows MBC to forward new complaints directly to an investigator if the physician and surgeon is already the subject of an investigation. Authorizes MBC to fine physicians and surgeons for failure to provide requested records within the 15 day time period established under existing law. Requires the Bureau of State Audits to conduct a performance audit of MBC's drug and alcohol diversion program to evaluate the effectiveness and efficiency of the program, and make recommendations regarding changes and the continuation of the program. Increases MBC's initial license fee from \$610 to \$900, and the biennial renewal fee from \$610 to \$900 (from \$305 per year to \$450 per year).

Last Action: Chapter 674, Statutes of 2005.

16) **SB 263 (Speier) Sellers of travel.**

Requires anyone who sells land or water based transportation to comply with the sellers of travel (SOT) law. Limits "travel club memberships" to a maximum value of \$100 and a duration of one year. Allows sellers of travel to not make a refund only when the full payment has been transmitted to the carrier or travel service. Requires the immediate suspension of the registration of a seller of travel who has been convicted of a felony violation of the SOT law, and prohibits a person with such a felony conviction from registering as a seller of travel for a period of seven years. Clarifies the circumstances under which consumers are entitled to restitution from the Travel Consumer Restitution Corporation (TCRC), and makes restitution from TCRC secondary only to restitution from a Consumer Protection Deposit Plan, a Consumer Protection Escrow Plan, travel insurance, or the exercise of a consumer's right to avoid payment for charges made with a credit card.

Last Action: Chapter 628, Statutes of 2006.

17) **SB 355 (Murray) Internet regulation: "phishing."**

Establishes the Anti-Phishing Act of 2005, which makes it unlawful for any person, through the Internet or other electronic means, to solicit, request, or take any action to induce another person to provide identifying information, by

representing itself to be an online business without the approval or authority of the online business.

Last Action: Chapter 437, Statutes of 2005.

18) **SB 438 (Migden) Oral and maxillofacial surgery.**

Authorizes oral and maxillofacial surgeons licensed by the Dental Board of California who are not also licensed as physicians by the Medical Board of California to perform elective facial cosmetic surgery.

Last Action: Chapter 909, Statutes of 2006.

19) **SB 644 (Ortiz) Dispensing prescription drugs and devices.**

Prohibits a pharmacist from obstructing a patient from obtaining prescribed drugs or devices. Requires a pharmacist to dispense drugs and devices pursuant to a lawful order or prescription, except when the pharmacist has previously provided a written notification to the employer that the pharmacist refuses to dispense the drug or device because of ethical, moral, or religious reasons and the pharmacist's employer can provide a reasonable accommodation to the pharmacist's objection and establishes protocols that ensure that the patient has timely access to the drug or device.

Last Action: Chapter 417, Statutes of 2005.

20) **SB 833 (Bowen) Unsolicited advertising (junk) faxes.**

Prohibits the sending of unsolicited commercial faxes to or from California. Persons and businesses that receive junk faxes are allowed to sue the sender or advertiser for injunctive relief, actual damages, or \$500 per violation, whichever is greatest. Also requires the same identifying information on any junk fax sent to or from California, including the identity of the business and/or person sending the fax, the telephone number of the machine sending the fax, and the date and time the fax is sent.

Last Action: Chapter 667, Statutes of 2005.

21) **SB 1476 (Figueroa) Prescription drug pedigrees: licensing programs' sunset dates: physical therapy.**

Requires the Physical Therapy Board to deny licensure to applicants who are required to register as sex offenders, revises a provision of law permitting unlicensed persons to practice occupational therapy by limiting this provision to out-of-state licensees who have applied for licensure in California, delays the implementation of electronic pedigree requirements for prescription drugs, and extends the sunset dates for numerous licensing programs under the Department of Consumer Affairs.

Last Action: Chapter 658, Statutes of 2006.

22) **SB 1542 (Migden) Vehicles: key information access.**

Establishes a statutory scheme whereby a motor vehicle owner or family member could, through the use of a registered locksmith, access the necessary information from the motor vehicle manufacturer to enable a

locksmith to reproduce a replacement key that would enable the vehicle owner to enter, start and operate the motor vehicle.

Last Action: Chapter 433, Statutes of 2006.

23) **SB 1550 (Figueroa) Professional Fiduciaries Act.**

Establishes the Professional Fiduciaries Bureau within the Department of Consumer Affairs for the purpose of licensing and regulating professional fiduciaries (e.g., conservators and guardians).

Last Action: Chapter 491, Statutes of 2006.

24) **SB 1578 (Lowenthal) Dogs: tethering prohibition.**

Prohibits the tethering, fastening, chaining, or tying of a dog to a dog house, tree, fence, or other stationary object, with an exemption provided for agricultural operations and tethering conducted pursuant to a valid license.

Last Action: Chapter 489, Statutes of 2006.

25) **SB 1638 (Figueroa) Midwives: advisory council: annual report.**

Requires the Medical Board of California to create and appoint a Midwifery Advisory Council, and requires licensed midwives to make annual reports to the Office of Statewide Health Planning and Development containing specified information regarding the births the midwife assisted in delivering during the prior year.

Last Action: Chapter 536, Statutes of 2006.