

File No. 240707

Committee Item No. _____

Board Item No. 33

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: June 25, 2024

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Prepared by: Lisa Lew

Date: June 21, 2024

Prepared by: _____

Date: _____

1 [Urging the State Legislature to Ratify Additional Reparations Proposals]

2

3 **Resolution urging the State Legislature to ratify additional reparations proposals as**
4 **proposed by the California Legislative Black Caucus based on the recommendations**
5 **from the California Reparations Task Force.**

6

7 WHEREAS, California has a long history of creating and/or enforcing law, policies, and
8 institutions that have perpetuated racial inequity in our state; and

9 WHEREAS, Reparations are a crucial step towards addressing the economic, social,
10 and psychological damaged inflicted by centuries of slavery, segregation, and discrimination;
11 and

12 WHEREAS, The California Reparations Task Force, established in 2020, published its
13 final report and recommendations in June 2023, providing a framework for reparations
14 legislation; and

15 WHEREAS, Enacting reparations legislation will empower communities to make
16 substantial investments in education, healthcare, housing, and economic development
17 initiatives, thereby uplifting present and future generations; and

18 WHEREAS, At the start of Black History Month in 2024, the California Legislative Black
19 Caucus introduced 14 bills as part of the 2024 Reparations Priority Bill Package based on
20 recommendations from the California Reparations Task Force; and

21 WHEREAS, As of May 21, 2024, only four bills out of 14 in the 2024 Reparations
22 Priority Bill Package have been passed with the intent of correcting the harms of slavery and
23 the decades of anti-Black racisms perpetuated by the state government; and

24 WHEREAS, The four bills included State Senate Bill No. 1403 (SB 1403), which would
25 create the California Freedman Affairs Agency to oversee and administer any reparations

1 measures assed by the State Senate and Assembly if signed into law by Governor Gavin
2 Newsom; and

3 WHEREAS, State Senate Bill No. 1331 (SB 1331), which would establish the Fund for
4 Reparations and Reparative Justice in the State Treasury in order to fund policies approved
5 by the state legislature and governor; and

6 WHEREAS, State Senate Bill No. 1050 (SB 1050), which would require the California
7 Freedom Affairs Agency to compensate families who have had their property taken from them
8 in racially motivated applications of eminent domain; and

9 WHEREAS, State Assembly Bill No. 3089 (AB 3089), will issue an apology to Black
10 California for the state’s role in instituting slave laws and discriminatory practices since its
11 founding; and

12 WHEREAS, At least two significant reparations bills have failed in the committee
13 process including Senate Bill No. 1007 which would have provided homeownership
14 assistance and Senate Bill No. 1013, which would have created avenues for property tax relief
15 for descendants of slaves; and

16 WHEREAS, The remaining 2024 Reparations Priority Bill Package would expand
17 educational assistance, address food insecurity, prevent community violence, ban involuntary
18 solitude through incarcerations, and more; and

19 WHEREAS, It is morally and ethically imperative for the State of California to take bold
20 and decisive action to address the legacy of slavery and racial discrimination, which includes
21 passing all 14 bills of the 2024 Reparations Priority Bill Package to build on the proposals
22 recommended by the California Reparations Task Force; and

23 WHEREAS, On April 23, 2024, the San Francisco Board of Supervisors passed
24 Resolution No. 218-24 in support of the California 2024 Reparations Priority Bill Package; and

25

1 WHEREAS, San Francisco has consistently been at the forefront of addressing
2 historical injustices, and it is imperative that we continue to support bills on reparations that
3 demonstrate our commitment to acknowledging past wrongs and taking concrete steps to
4 rectify them; now, therefore, be it

5 RESOLVED, That the San Francisco Board of Supervisors urges the State Legislature
6 to ratify additional reparations proposals as proposed by the California Legislative Black
7 Caucus based on the recommendations from the California Reparations Task Force; and

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the
9 California State Legislature to approve all and the Governor to sign all 14 bills in the California
10 2024 Reparations Priority Bill Package as referenced in Resolution No. 218-24, including ACA
11 7, ACA 8, ACR 135, AB 280, AB 1815, AB 1929, AB 1975, AB 1986, AB 2064, AB 2862, AB
12 3089, AB 3131, SB 1050, and SB 1089; and, be it

13 FUTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
14 Board to transmit a copy of this Resolution to the California Senate President pro Tempore
15 Mike McGuire, California Assembly Speaker Robert Rivas, Governor Gavin Newsom, the
16 California Legislative Black Caucus.

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AMENDED IN ASSEMBLY JUNE 14, 2023

AMENDED IN ASSEMBLY MAY 18, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

Assembly Constitutional Amendment

No. 7

Introduced by Assembly Member Jackson
(Coauthors: Assembly Members ~~Bonta~~ Alvarez, ~~Bonta~~, and Weber)

February 16, 2023

Assembly Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 31 of Article I thereof, relating to government preferences.

LEGISLATIVE COUNSEL'S DIGEST

ACA 7, as amended, Jackson. Government preferences: ~~interventions~~ or programs: exceptions.

The California Constitution, pursuant to provisions enacted by the initiative Proposition 209 in 1996, prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. The California Constitution defines the state for these purposes to include the state, any city, county, public university system, community college district, school district, special district, or any other political subdivision or governmental instrumentality of, or within, the state.

This measure would provide that, subject to approval by the Governor pursuant to specified procedures, the state may use state moneys to fund research-based, or research-informed, and culturally specific ~~interventions~~ or programs in any industry if those ~~interventions~~ or

programs are established or otherwise implemented by the state for purposes of increasing the life expectancy of, improving educational outcomes for, or lifting out of poverty specific groups based on race, color, ethnicity, national origin, or marginalized genders, sexes, or sexual orientations.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2023–24 Regular
3 Session commencing on the fifth day of December 2022, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California, that the Constitution of the
6 State be amended as follows:

7 That Section 31 of Article I thereof is amended to read:

8 SEC. 31. (a) (1) Except as provided in paragraph (2), the State
9 shall not discriminate against, or grant preferential treatment to,
10 any individual or group on the basis of race, sex, color, ethnicity,
11 or national origin in the operation of public employment, public
12 education, or public contracting.

13 (2) (A) Notwithstanding paragraph (1) but subject to approval
14 by the Governor pursuant to the procedures in subparagraph (B),
15 the State may use state moneys to fund research-based, or
16 research-informed, and culturally specific ~~interventions or~~ programs
17 in any industry, including, but not limited to, public employment,
18 public education, and public contracting, if those ~~interventions or~~
19 programs are established or otherwise implemented by the State
20 for purposes of increasing the life expectancy of, improving
21 educational outcomes for, or lifting out of poverty specific groups
22 based on race, color, ethnicity, national origin, or marginalized
23 genders, sexes, or sexual orientations.

24 (B) The Governor shall review and approve or reject an
25 application submitted to the Governor for purposes of subparagraph
26 (A) within 60 days of receiving the application. If the Governor
27 denies the application, the Governor shall notify the applicant and
28 publish on their internet website a message explaining the basis
29 for the denial.

30 (b) This section shall apply only to action taken after the
31 section's effective date.

1 (c) This section shall not be interpreted as prohibiting bona fide
2 qualifications based on sex which are reasonably necessary to the
3 normal operation of public employment, public education, or public
4 contracting.

5 (d) This section shall not be interpreted as invalidating any court
6 order or consent decree which is in force as of the effective date
7 of this section.

8 (e) This section shall not be interpreted as prohibiting action
9 which must be taken to establish or maintain eligibility for any
10 federal program, where ineligibility would result in a loss of federal
11 funds to the State.

12 (f) For the purposes of this section, the following definitions
13 apply:

14 (1) “Culturally specific ~~intervention or~~ program” means a
15 program or practice that infuses the history, language, ancestry,
16 traditions, and rituals of a specific race, color, ethnicity, national
17 origin, religion, gender, sex, or sexual orientation into its design
18 and implementation.

19 (2) “Disaggregated data” means data that has been broken down
20 into detailed subcategories within ethnic groups, age, sexual
21 orientation, and gender identity, with the intent of identifying the
22 unique differences within groups and addressing more concentrated
23 disparities facing specific subgroups.

24 (3) “Research-based ~~intervention or~~ program” means a program
25 or practice that has been tested in a manner that meets all of the
26 following conditions:

27 (A) The test is conducted with a single randomized evaluation,
28 a single statistically controlled evaluation, or both.

29 (B) The test is inclusive and representative of the diverse
30 populations in the state, based on the most recent census data.

31 (C) The test demonstrates sustained desirable outcomes or the
32 weight of the evidence from a systemic review of the test supports
33 sustained outcomes.

34 (4) “Research-informed ~~intervention or~~ program” means a
35 program or practice that exercises the explicit and judicious use
36 of the best available evidence from multiple sources that use
37 disaggregated data to increase the likelihood of a favorable
38 outcome.

39 (5) “State” shall include, but is not limited to, the State itself,
40 any city, county, city and county, public university system,

1 including the University of California, community college district,
2 school district, special district, or any other political subdivision
3 or governmental instrumentality of or within the State.

4 (6) “State moneys” means all money, bonds, and securities
5 possessed by the State itself.

6 (g) The remedies available for violations of this section shall
7 be the same, regardless of the injured party’s race, sex, color,
8 ethnicity, or national origin, as are otherwise available for
9 violations of then-existing California antidiscrimination law.

10 (h) This section shall be self-executing. If any part or parts of
11 this section are found to be in conflict with federal law or the
12 United States Constitution, the section shall be implemented to
13 the maximum extent that federal law and the United States
14 Constitution permit. Any provision held invalid shall be severable
15 from the remaining portions of this section.

Assembly Constitutional Amendment

No. 8

Introduced by Assembly Member Wilson

(Coauthors: Assembly Members Bonta, Bryan, Wendy Carrillo, Connolly, Gipson, Haney, Jackson, Kalra, Low, McCarty, McKinnor, Ortega, Papan, Blanca Rubio, Santiago, Ting, and Weber)

(Coauthors: Senators Bradford, Dodd, Durazo, Skinner, Smallwood-Cuevas, and Wiener)

February 17, 2023

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article I thereof, relating to slavery.

LEGISLATIVE COUNSEL'S DIGEST

ACA 8, as introduced, Wilson. Slavery.

The California Constitution prohibits slavery and prohibits involuntary servitude, except as punishment to a crime.

This measure would instead prohibit slavery in any form, including forced labor compelled by the use or threat of physical or legal coercion.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2023–24 Regular
- 3 Session commencing on the fifth day of December 2022, two-thirds
- 4 of the membership of each house concurring, hereby proposes to

1 the people of the State of California, that the Constitution of the
2 State be amended as follows:

3 That Section 6 of Article I thereof is amended to read:

4 SEC. 6. (a) Slavery *in any form* is prohibited. ~~Involuntary~~
5 ~~servitude is prohibited except to punish crime.~~

6 (b) *As used in this section, slavery includes forced labor*
7 *compelled by the use or threat of physical or legal coercion.*

AMENDED IN ASSEMBLY FEBRUARY 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

Assembly Concurrent Resolution

No. 135

Introduced by Assembly Member Weber

(Principal coauthors: Assembly Members Bonta, Bryan, Gipson, Holden, Jackson, Jones-Sawyer, McCarty, McKinnor, and Wilson)

(Principal coauthors: Senators Bradford and Smallwood-Cuevas)

(Coauthors: Assembly Members Kalra, Addis, Aguiar-Curry, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Boerner, Calderon, Wendy Carrillo, Connolly, Mike Fong, Friedman, Gabriel, Garcia, Grayson, Haney, Hart, Irwin, Lee, Low, Lowenthal, Maienschein, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Waldron, Ward, Wicks, Wood, and Zbur)

January 30, 2024

Assembly Concurrent Resolution No. 135—Relative to state government.

LEGISLATIVE COUNSEL'S DIGEST

ACR 135, as amended, Weber. Human rights violations and crimes against humanity on African slaves and their descendants.

This measure would acknowledge the harms and atrocities committed by representatives of the State of California who promoted, facilitated, enforced, and permitted the institution of chattel slavery and the legacy of ongoing badges and incidents of slavery that form the systemic structures of discrimination. The measure would affirm the State of

California’s role in protecting the descendants of enslaved people as well as their civil, political, and socio-cultural rights.

Fiscal committee: no.

1 WHEREAS, This resolution may be cited as the
2 “Acknowledgment of Gross Human Rights Violations and Crimes
3 Against Humanity on African Slaves and their Descendants;” and

4 WHEREAS, The State of California—its executive, judicial,
5 and legislative branches—denied African Americans their
6 fundamental liberties and denied their humanity throughout the
7 state’s history, from before the Civil War to the present; and

8 WHEREAS, Although California entered the Union in 1850
9 outlawing slavery, the California Supreme Court stated that the
10 antislavery law in the California Constitution was only a
11 “declaration of a principle” and did not enact laws to enforce this
12 provision and emancipate slaves; and

13 WHEREAS, The California Supreme Court enforced the federal
14 fugitive slave law until the official end of enslavement in 1865;
15 and

16 WHEREAS, The State of California prevented African
17 Americans from testifying in court against a white person until
18 1863; and

19 WHEREAS, The California Legislature opposed Congress’
20 Reconstruction civil rights laws and delayed ratifying the 14th and
21 15th Amendments to the federal constitution; and

22 WHEREAS, The State of California disenfranchised African
23 American citizens through racial barriers to voting such as poll
24 taxes and literacy tests; and

25 WHEREAS, The California Legislature prohibited interracial
26 marriage and passed an anti-miscegenation law in its first
27 legislative session in 1850. ~~Interracial marriage was not allowed~~
28 ~~until 1959; The Legislature repeatedly refused to repeal the law~~
29 ~~after the California Supreme Court struck it down in 1948, and~~
30 ~~only did so 11 years later; and~~

31 WHEREAS, The State of California constructed monuments,
32 memorials, state markers, and plaques memorializing and
33 preserving confederate culture and glorifying slavery and white
34 supremacy; and

35 WHEREAS, From the brutality of enslavement to contemporary
36 police killings, state and local government-sanctioned violence,

1 such as lynching, coercive sterilization, torture, and property
2 destruction inflicted death, physical injuries, and psychological
3 harms on African Americans in California; and

4 WHEREAS, The State of California openly allowed segregation
5 and discrimination against African Americans with respect to
6 musicians, workers, and artists; and

7 WHEREAS, State and local governments in California enacted
8 restrictive zoning ordinances, licensing laws, fire and safety codes,
9 and anti-nuisance laws to disrupt African American businesses
10 and their customers; and

11 WHEREAS, Discriminatory housing policies including
12 redlining, residential zoning ordinances, and loan practices have
13 produced persistent and longstanding housing segregation and
14 inequities in home ownership for African Americans in California;
15 and

16 WHEREAS, State and local governments in California targeted
17 property owned by African Americans in urban renewal and
18 development projects for unjust uses of eminent domain, often
19 without providing just compensation; and

20 WHEREAS, State and local segregation laws in California
21 historically excluded African Americans from outdoor recreation,
22 public transit, and other public infrastructure; and

23 WHEREAS, The eugenics movement thrived in California and
24 thousands of African Americans were forcibly sterilized or were
25 the subjects of medical experiments without consent; and

26 WHEREAS, Black Californians experience persistent
27 discrimination in healthcare services and access through inaccurate
28 diagnoses, use of involuntary force, high costs, and a lack of
29 culturally competent services; and

30 WHEREAS, African Americans have been routinely excluded
31 from professional careers in California. For example, African
32 American physicians, psychologists, and psychiatrists are
33 underrepresented in California's medical fields, further
34 exacerbating the inequities in the healthcare system; and

35 WHEREAS, California's child welfare system has experienced
36 some of the worst racial disparities in the country, with African
37 American children suffering the highest rate of system involvement
38 and correspondingly heightened risks and harms associated with
39 entering foster care; now, therefore, be it

1 *Resolved by the Assembly of the State of California, the Senate*
 2 *thereof concurring, That the State of California recognizes and*
 3 *accepts responsibility for all of the harms and atrocities committed*
 4 *by representatives of the state who promoted, facilitated, enforced,*
 5 *and permitted the institution of chattel slavery and its legacy of*
 6 *ongoing badges and incidents of slavery that form the systemic*
 7 *structures of discrimination; and be it further*

8 *Resolved, That the State of California now affirms its role in*
 9 *protecting the descendants of enslaved people as well as their civil,*
 10 *political, and socio-cultural rights; and be it further*

11 *Resolved, That the Chief Clerk of the Assembly transmit copies*
 12 *of this resolution to the author for appropriate distribution.*

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REVISIONS:
Heading—Line 6.

AMENDED IN SENATE SEPTEMBER 1, 2023

AMENDED IN SENATE JUNE 20, 2023

AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY MARCH 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 280

**Introduced by Assembly Members Holden, Bryan, Kalra, and
Weber**

(Principal coauthor: Senator Durazo)

**(Coauthors: Assembly Members Bonta, Juan Carrillo,
Wendy Carrillo, Gipson, Haney, Lee, Lowenthal, McKinnor,
Ortega, and Santiago)**

(Coauthors: Senators Becker, Skinner, Wahab, and Wiener)

January 24, 2023

An act to add Article 7 (commencing with Section 2697) to Chapter 4 of Title 1 of Part 3 of the Penal Code, relating to segregated confinement.

LEGISLATIVE COUNSEL'S DIGEST

AB 280, as amended, Holden. Segregated confinement.

Existing law establishes the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation. Existing law places county jails under the jurisdiction of the sheriff for the confinement of persons sentenced to imprisonment for the conviction of a crime.

This bill would require every jail, prison, public or privately operated detention facility, and a facility in which individuals are subject to confinement or involuntary detention to develop and follow written

procedures governing the management of segregated confinement, as specified, and to make those written procedures publicly available. The bill would require those facilities to document the use of segregated confinement by, among other things, providing written orders of that confinement to the individual confined, as specified. The bill would prohibit those facilities from involuntarily placing an individual in segregated confinement if the individual belongs to a designated population, including, among others, that the individual has a mental or physical disability or that the individual is under 26 years of age or over 59 years of age. The bill would require the facility to periodically check on the individual and have a medical or mental health professional periodically assess the individual. This bill would require a facility to offer out-of-cell programming to individuals in segregated confinement for at least 4 hours per day, not including time spent on an unpaid work assignment or in paid employment. The bill would require a facility to maximize the amount of time that an incarcerated person held in segregated confinement spends outside of their cell by providing outdoor and indoor recreation, education, clinically appropriate treatment therapies, and skill-building activities, as specified, and would require facilities to develop and provide appropriate programming to individuals that pose a significant safety risk to themselves or others, as specified. The bill would also authorize a facility to use segregated confinement to help treat and protect against the spread of communicable disease, under certain circumstances.

This bill would prohibit a facility from holding an individual in segregated confinement for more than 15 consecutive days and no more than 45 days in a 180-day period, as specified. This bill would also prohibit a facility from imposing limitations on services, treatment, or basic needs; conducting out-of-cell programming opportunities in a smaller cage or therapy module; placing an individual in segregated confinement on the basis of confidential information, as specified; using specified restraints when an individual is in segregated confinement; and using segregated confinement as a means of protecting an individual. This bill would require a facility administrator or chief physician to conduct a secondary review of a person in segregated confinement's dispute regarding qualification in the designated populations category. This bill would require facilities to create and publish monthly, semiannual, and annual reports, as specified. The bill would require the Office of the Inspector General and the Board of State and Community Corrections to assess each facility's compliance with the act, as

specified. This bill would require local and state authorities to promulgate regulations or directives to implement the act, where applicable. The bill would declare these provisions to be severable. By imposing additional duties on county jails, this bill would create 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Article 7 (commencing with Section 2697) is
2 added to Chapter 4 of Title 1 of Part 3 of the Penal Code, to read:

3
4 Article 7. Segregated Confinement
5

6 2697. For the purposes of this article, all of the following terms
7 have the following meanings:

8 (a) "Facility" means any of the following facilities in California:

9 (1) Private detention facilities.

10 (2) Jails and prisons.

11 (3) Detention facilities.

12 (b) "Detention facility" means a facility in which persons are
13 incarcerated or otherwise involuntarily detained or confined for
14 purposes of execution of a punitive sentence imposed by a court
15 or detention pending a trial, hearing, or other judicial or
16 administrative proceeding.

17 (c) "Private detention facility" means a detention facility that
18 is operated by a private, nongovernmental, for-profit entity and is
19 operating pursuant to a contract or agreement with a local, state,
20 or federal governmental entity.

21 (d) (1) "Segregated confinement" means the confinement of
22 an individual, in a cell or similarly confined holding or living
23 space, alone or with other individuals, with severely restricted

1 activity, movement, or minimal or no contact with persons other
2 than custodial staff for more than 17 hours per day.

3 (2) Segregated confinement is determined by time spent in a
4 cell and contact with persons other than custodial staff.

5 (3) Segregated confinement does not apply to extraordinary,
6 emergency circumstances that require a significant departure from
7 normal institutional operations, including a natural disaster or
8 facilitywide threat that poses an imminent and substantial risk of
9 harm. This exception applies for the shortest amount of time needed
10 to address the imminent and substantial risk of harm.

11 (e) “Designated populations” means any person who is 25 years
12 of age or younger, not including persons protected by Section
13 208.3 of the Welfare and Institutions Code; is 60 years of age or
14 older; is with a mental or physical disability as defined in Section
15 12926 of the Government Code; is pregnant; is in the first eight
16 weeks of the postpartum recovery period after giving birth; or has
17 recently suffered a miscarriage or terminated a pregnancy.

18 (f) “Medical professional” means a licensed physician, physician
19 assistant, or nurse practitioner.

20 (g) “Mental health professional” means someone who makes
21 mental health evaluations and is a licensed psychiatrist,
22 psychologist, licensed clinical social worker, licensed marriage
23 and family therapist, *licensed professional clinical counselor*, or
24 an advanced practice nurse or clinical nurse specialist with a
25 specialty in psychiatric nursing.

26 2697.2. (a) Every facility shall develop and follow written
27 procedures governing the management of segregated confinement
28 that also meet the standards of care of the type of facility, and shall
29 make those written procedures publicly available.

30 (b) Every facility shall document the use of segregated
31 confinement, including, but not limited to, through all of the
32 following procedures:

33 (1) A written order shall be completed and approved by the
34 facility administrator or designee within 24 hours of a person being
35 placed in segregated confinement.

36 (2) The order shall be provided to the individual within 24 hours
37 of placement in segregated confinement and its contents
38 communicated to them in a language or manner the individual can
39 understand.

1 (3) A clear and consistent log shall be kept, detailing the time
2 spent in segregated confinement and the necessary compliance
3 with the standards required for that confinement.

4 (4) The written records required by this subdivision shall be
5 maintained by the facility and updated daily.

6 (c) When an individual is placed in segregated confinement,
7 the facility shall do all of the following:

8 (1) Document the facts and circumstances that led to placing
9 the individual into segregated confinement.

10 (2) Document the date and time that the individual was placed
11 into segregated confinement.

12 (3) Notify its medical or mental health professionals in writing
13 within 12 hours of placing an individual in segregated confinement.

14 (4) At least twice per hour, check on the individual involuntarily
15 placed in segregated confinement. If the individual is demonstrating
16 unusual behavior or has indicated suicidality or self-harm, the
17 facility shall monitor the individual every 15 minutes, or more
18 frequently, unless a medical or mental health professional
19 recommends more frequent checks.

20 (5) Every 24 hours, have a medical or mental health professional
21 assess the individual involuntarily placed in segregated
22 confinement and have a mental health professional assess the
23 individual every 48 hours for ongoing placement in segregated
24 confinement.

25 (6) Provide the individual a clear explanation of the reason they
26 have been placed in segregated confinement, the monitoring
27 procedures that the facility will employ to check the individual,
28 and the date and time of the individual's next court date, if
29 applicable. This explanation shall be provided to the individual in
30 writing, in a language or manner the individual can understand,
31 within 24 hours of placement in segregated confinement.

32 (7) A facility shall impose no limitation on services, treatment,
33 or basic needs, such as clothing, food, and bedding. The facility
34 shall not impose restricted diets or any other change in diet as a
35 form of punishment. An individual shall not be denied access to
36 their legal counsel or representative while in segregated
37 confinement.

38 (8) Offer out-of-cell programming to a person in segregated
39 confinement at least four hours per day, including at least one hour
40 for recreation. A person in segregated confinement shall be offered

1 programming led by program or therapeutic staff that is comparable
2 to the programming offered to a person in the general population.
3 All other out-of-cell time may include peer-led programs, time in
4 a day room or out-of-cell recreation area with other people,
5 congregate meals, volunteer programs, or other congregate
6 activities unless the facility administrator or medical or mental
7 health professional determines that the person poses an
8 extraordinary and unacceptable risk of imminent physical harm to
9 the safety or security of other detained people or staff. In those
10 cases, the facility shall provide the individual with the required
11 out-of-cell time in an appropriate manner that provides access to
12 staff-based programming and contact with persons other than
13 custodial staff. A facility shall document any program restrictions
14 it imposes and articulate, in writing, the basis for limiting access
15 to congregate programming with a copy provided to the detained
16 person that contains the specific reason why the person currently
17 poses an extraordinary and unacceptable risk of imminent physical
18 harm to the safety or security of detained persons or staff. A facility
19 shall not conduct out-of-cell programming opportunities in a
20 smaller cage or therapy module. Time spent on an unpaid work
21 assignment or in paid employment shall not be considered
22 out-of-cell programming.

23 (9) Not use additional shackles, legcuffs, double lock leg irons,
24 or other restrictive means when an individual is in segregated
25 confinement, including, but not limited to, transportation to
26 recreation, programs, and other services, unless an individual
27 assessment is documented that restraints are required because of
28 an imminent, significant, and unreasonable risk to the safety and
29 security of other detained persons or staff.

30 (d) A facility shall maximize the amount of time that an
31 incarcerated person held in segregated confinement spends outside
32 of their cell by providing outdoor and indoor recreation, education,
33 clinically appropriate treatment therapies, and skill-building
34 activities. Cells or other holding or living spaces used for
35 segregated confinement shall be properly ventilated, appropriately
36 lit according to the time of day, temperature-monitored, clean, and
37 equipped with properly functioning sanitary fixtures.

38 (e) A facility shall develop and provide appropriate
39 programming to individuals that pose a significant safety risk to
40 themselves or others and shall provide opportunities for individuals

1 to transition to less restrictive housing that are not segregated
2 confinement, as defined in paragraph (1) of subdivision (d) of
3 Section 2697, including, but not limited to, evidence-based
4 transition programs and models found to be effective and successful
5 in other carceral facilities. This can include, but is not limited to,
6 all of the following:

7 (1) Transition pods, which provide participants with the
8 opportunity to interact with other incarcerated individuals while
9 out of restraints.

10 (2) Transition groups, which are a revolving group that assists
11 individuals who are preparing to be promoted to lower custody
12 levels.

13 (3) Residential rehabilitation units that are designed to provide
14 access to therapy, treatment, and rehabilitative programming for
15 individuals who have been determined to require more than 15
16 days of segregated confinement. These units shall be therapeutic
17 and trauma informed, and aim to address individual treatment and
18 rehabilitation needs and underlying causes of problematic
19 behaviors.

20 (f) A facility shall not send a detained person to segregated
21 confinement as a means of protection from the rest of the detained
22 population or alternative means of separation from a likely abuser.
23 If an individual fears for their safety, the facility shall transfer them
24 to a more appropriate custody, including, but not limited to, a
25 single cell with sufficient programming and out-of-cell time such
26 that it is not segregated confinement, a different section of the
27 facility, or a sensitive needs yard or individual housing. Placement
28 in these alternative forms of custody shall give full access to
29 out-of-cell time, programming, and other services available to the
30 rest of the detained population.

31 (g) A facility shall not hold an individual in segregated
32 confinement for more than 15 consecutive days and no more than
33 45 days total in a 180-day period. On or before the 15th consecutive
34 day in segregated confinement, a facility shall transfer the
35 individual out of segregated confinement to an appropriate
36 congregate or individual setting. In either case, whether held in a
37 congregate or individual setting, the facility shall allow the
38 individual at least six hours of daily out-of-cell congregate
39 programming, services, treatment, and meals with an additional
40 minimum of one hour of congregate recreation.

1 (h) (1) A facility shall not involuntarily place an individual in
2 segregated confinement, including for disciplinary reasons, if the
3 individual belongs to a designated population.

4 (2) If a person in segregated confinement disputes a decision
5 made by facility staff or facility medical professionals regarding
6 qualification in the designated populations category, the person
7 may request and receive a secondary review of the determination.

8 (3) The facility administrator or chief physician shall conduct
9 the secondary review, as appropriate.

10 (i) A facility shall not place a person in segregated confinement
11 solely on the basis of confidential information considered by the
12 facility staff but not provided to the individual placed in segregated
13 confinement or included in required records.

14 (j) A facility shall not place a person in segregated confinement
15 solely on the basis of the person identifying as lesbian, gay,
16 bisexual, transgender, or gender nonconforming.

17 (k) A facility may use segregated confinement for medical
18 isolation purposes, to treat and protect against the spread of a
19 communicable disease for the shortest amount of time required to
20 reduce the risk of infection, in accordance with state and federal
21 public health guidance and with the written approval of a licensed
22 physician or nurse practitioner.

23 (l) Each facility shall create a monthly report, on the first day
24 of each month, as well as semiannual and annual cumulative
25 reports. Each facility shall make the reports available to the public
26 by posting them to the facility's internet website. The reports shall
27 include the total number of individuals held in segregated
28 confinement in the prior month and data pertaining to individuals
29 in segregated confinement, including, but not limited to, age, race,
30 gender, and number of days in segregated confinement.

31 (m) The Office of the Inspector General shall assess each
32 correctional facility within the Department of Corrections and
33 Rehabilitation, including private detention facilities, for compliance
34 with this article, relating to segregated confinement, and shall issue
35 a public report, no less than annually, with recommendations to
36 the Legislature regarding all aspects of segregated confinement in
37 correctional facilities, including, but not limited to, policies and
38 practices concerning placement of persons in segregated
39 confinement; designated populations; length of time spent in
40 segregated confinement; hearings and procedures; programs,

1 treatment, and conditions of confinement in segregated
2 confinement; and assessments and rehabilitation plans, procedures,
3 and discharge determinations. The office shall have full access to
4 all records of facilities in their jurisdiction pertaining to segregated
5 confinement and may conduct site inspections as appropriate.

6 (n) The Board of State and Community Corrections shall assess
7 each local correctional facility, including private detention
8 facilities, for compliance with this article, relating to segregated
9 confinement, and shall issue a public report, no less than annually,
10 with recommendations to the Legislature regarding all aspects of
11 segregated confinement in correctional facilities, including, but
12 not limited to, policies and practices concerning placement of
13 persons in segregated confinement; designated populations; length
14 of time spent in segregated confinement; hearings and procedures;
15 programs, treatment, and conditions of confinement in segregated
16 confinement; and assessments and rehabilitation plans, procedures,
17 and discharge determinations. The board shall have full access to
18 all records of facilities in their jurisdiction pertaining to segregated
19 confinement and may conduct site inspections as appropriate.

20 (o) Local and state authorities shall promulgate regulations or
21 directives implementing this article, where applicable.

22 (p) This section does not remove or reduce the requirements on
23 health care facilities contained in Sections 70577, 71545, 72407,
24 72409, 72411, 72413, 73403, 73405, 73407, and 73409 of Title
25 22 of the California Code of Regulations.

26 2697.7. (a) The provisions of this article are severable. If any
27 part of this article is declared invalid or unconstitutional, that
28 declaration shall not affect the part which remains.

29 (b) Nothing in this article shall be construed as mandating
30 construction. A facility may repurpose existing space to
31 accommodate out-of-cell time and programming for individuals,
32 so that it can be accomplished in a safe and humane manner. A
33 facility may redesignate existing facilities and cells to comply with
34 this article.

35 (c) Nothing in this article shall be construed as eliminating the
36 use of individual housing when reasonable, appropriate, or
37 required, including when that housing is requested by an individual
38 and deemed appropriate.

39 (d) No provision of this article shall be construed as requiring
40 a facility to place an individual in the general population or

1 congregate housing once they reach the 15-day limit on segregated
2 confinement in subdivision (g) of Section 2697.2. The facility shall
3 seek to place the individual in appropriate housing, including, but
4 not limited to, individual housing with adequate programming and
5 support in order to ensure the safety and well-being of the
6 individual, as well as other individuals in the facility and staff.

7 SEC. 2. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1815

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

January 10, 2024

An act to ~~add Section 53.8 to amend Section 51 of the Civil Code, to amend Section 212.1 of the Education Code, and to amend Section 12926 of the Government Code,~~ relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 1815, as amended, Weber. Discrimination: ~~hairstyles: amateur sports organizations.~~ *race: hairstyles.*

Existing law, the Unruh Civil Rights Act, provides that all persons within the jurisdiction of this state are entitled to full and equal accommodations in all business establishments regardless of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.

Existing law, the California Fair Employment and Housing Act, makes it unlawful to engage in specified discriminatory employment practices based on certain protected characteristics, including race, unless based on a bona fide occupational qualification or applicable security regulations, and prohibits housing discrimination based on specified personal characteristics, including race.

Existing law states the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender

identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state, and to prohibit acts that are contrary to that policy and to provide remedies therefor.

Existing law ~~also~~ prohibits discrimination because of a perception that a person has one of those protected characteristics or is associated with a person who has, or is perceived to have, any of those characteristics. Existing law defines *The California Fair Employment and Housing Act* and public school policy define the term race for purposes of ~~these~~ *those* provisions to include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, as defined.

~~This bill would prohibit an amateur sports organization, as defined, from discriminating against any person on the basis of race, inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, as defined, in the operation, conduct, or administration of a youth or amateur sports competition, training, camp, or club.~~

This bill would remove the term “historically” from the definitions of race, thus defining race to include traits associated with race, including, but not limited to, hair texture and protective hairstyles, as defined, and would add those definitions for “race” and “protective hairstyle” to the Unruh Civil Rights Act.

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

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

- 1 SECTION 1. Section 51 of the Civil Code is amended to read:
- 2 51. (a) This section shall be known, and may be cited, as the
- 3 Unruh Civil Rights Act.
- 4 (b) All persons within the jurisdiction of this state are free and
- 5 equal, and no matter what their sex, race, color, religion, ancestry,
- 6 national origin, disability, medical condition, genetic information,
- 7 marital status, sexual orientation, citizenship, primary language,
- 8 or immigration status are entitled to the full and equal
- 9 accommodations, advantages, facilities, privileges, or services in
- 10 all business establishments of every kind whatsoever.

1 (c) This section shall not be construed to confer any right or
2 privilege on a person that is conditioned or limited by law or that
3 is applicable alike to persons of every sex, color, race, religion,
4 ancestry, national origin, disability, medical condition, marital
5 status, sexual orientation, citizenship, primary language, or
6 immigration status, or to persons regardless of their genetic
7 information.

8 (d) Nothing in this section shall be construed to require any
9 construction, alteration, repair, structural or otherwise, or
10 modification of any sort whatsoever, beyond that construction,
11 alteration, repair, or modification that is otherwise required by
12 other provisions of law, to any new or existing establishment,
13 facility, building, improvement, or any other structure, nor shall
14 anything in this section be construed to augment, restrict, or alter
15 in any way the authority of the State Architect to require
16 construction, alteration, repair, or modifications that the State
17 Architect otherwise possesses pursuant to other laws.

18 (e) For purposes of this section:

19 (1) “Disability” means any mental or physical disability as
20 defined in Sections 12926 and 12926.1 of the Government Code.

21 (2) (A) “Genetic information” means, with respect to any
22 individual, information about any of the following:

23 (i) The individual’s genetic tests.

24 (ii) The genetic tests of family members of the individual.

25 (iii) The manifestation of a disease or disorder in family
26 members of the individual.

27 (B) “Genetic information” includes any request for, or receipt
28 of, genetic services, or participation in clinical research that
29 includes genetic services, by an individual or any family member
30 of the individual.

31 (C) “Genetic information” does not include information about
32 the sex or age of any individual.

33 (3) “Medical condition” has the same meaning as defined in
34 subdivision (i) of Section 12926 of the Government Code.

35 (4) “Race” is inclusive of traits associated with race, including,
36 but not limited to, hair texture and protective hairstyles.
37 “Protective hairstyles” includes, but is not limited to, such
38 hairstyles as braids, locks, and twists.

39 (4)

1 (5) “Religion” includes all aspects of religious belief,
2 observance, and practice.

3 (5)

4 (6) “Sex” includes, but is not limited to, pregnancy, childbirth,
5 or medical conditions related to pregnancy or childbirth. “Sex”
6 also includes, but is not limited to, a person’s gender. “Gender”
7 means sex, and includes a person’s gender identity and gender
8 expression. “Gender expression” means a person’s gender-related
9 appearance and behavior whether or not stereotypically associated
10 with the person’s assigned sex at birth.

11 (6)

12 (7) “Sex, race, color, religion, ancestry, national origin,
13 disability, medical condition, genetic information, marital status,
14 sexual orientation, citizenship, primary language, or immigration
15 status” includes a perception that the person has any particular
16 characteristic or characteristics within the listed categories or that
17 the person is associated with a person who has, or is perceived to
18 have, any particular characteristic or characteristics within the
19 listed categories.

20 (7)

21 (8) “Sexual orientation” has the same meaning as defined in
22 subdivision (s) of Section 12926 of the Government Code.

23 (f) A violation of the right of any individual under the federal
24 Americans with Disabilities Act of 1990 (Public Law 101-336)
25 shall also constitute a violation of this section.

26 (g) Verification of immigration status and any discrimination
27 based upon verified immigration status, where required by federal
28 law, shall not constitute a violation of this section.

29 (h) Nothing in this section shall be construed to require the
30 provision of services or documents in a language other than
31 English, beyond that which is otherwise required by other
32 provisions of federal, state, or local law, including Section 1632.

33 *SEC. 2. Section 212.1 of the Education Code is amended to*
34 *read:*

35 212.1. (a) “Race or ethnicity” includes ancestry, color, ethnic
36 group identification, and ethnic background.

37 (b) “Race” is inclusive of traits ~~historically~~ associated with race,
38 including, but not limited to, hair texture and protective hairstyles.

39 (c) “Protective hairstyles” includes, but is not limited to, such
40 hairstyles as braids, locs, and twists.

1 *SEC. 3. Section 12926 of the Government Code is amended to*
2 *read:*

3 12926. As used in this part in connection with unlawful
4 practices, unless a different meaning clearly appears from the
5 context:

6 (a) “Affirmative relief” or “prospective relief” includes the
7 authority to order reinstatement of an employee, awards of backpay,
8 reimbursement of out-of-pocket expenses, hiring, transfers,
9 reassignments, grants of tenure, promotions, cease and desist
10 orders, posting of notices, training of personnel, testing, expunging
11 of records, reporting of records, and any other similar relief that
12 is intended to correct unlawful practices under this part.

13 (b) “Age” refers to the chronological age of any individual who
14 has reached a 40th birthday.

15 (c) Except as provided by Section 12926.05, “employee” does
16 not include any individual employed by that person’s parent,
17 spouse, or child or any individual employed under a special license
18 in a nonprofit sheltered workshop or rehabilitation facility.

19 (d) “Employer” includes any person regularly employing five
20 or more persons, or any person acting as an agent of an employer,
21 directly or indirectly, the state or any political or civil subdivision
22 of the state, and cities, except as follows:

23 “Employer” does not include a religious association or
24 corporation not organized for private profit.

25 (e) “Employment agency” includes any person undertaking for
26 compensation to procure employees or opportunities to work.

27 (f) “Essential functions” means the fundamental job duties of
28 the employment position the individual with a disability holds or
29 desires. “Essential functions” does not include the marginal
30 functions of the position.

31 (1) A job function may be considered essential for any of several
32 reasons, including, but not limited to, any one or more of the
33 following:

34 (A) The function may be essential because the reason the
35 position exists is to perform that function.

36 (B) The function may be essential because of the limited number
37 of employees available among whom the performance of that job
38 function can be distributed.

- 1 (C) The function may be highly specialized, so that the
2 incumbent in the position is hired based on expertise or the ability
3 to perform a particular function.
- 4 (2) Evidence of whether a particular function is essential
5 includes, but is not limited to, the following:
- 6 (A) The employer's judgment as to which functions are essential.
7 (B) Written job descriptions prepared before advertising or
8 interviewing applicants for the job.
9 (C) The amount of time spent on the job performing the function.
10 (D) The consequences of not requiring the incumbent to perform
11 the function.
12 (E) The terms of a collective bargaining agreement.
13 (F) The work experiences of past incumbents in the job.
14 (G) The current work experience of incumbents in similar jobs.
- 15 (g) (1) "Genetic information" means, with respect to any
16 individual, information about any of the following:
- 17 (A) The individual's genetic tests.
18 (B) The genetic tests of family members of the individual.
19 (C) The manifestation of a disease or disorder in family members
20 of the individual.
- 21 (2) "Genetic information" includes any request for, or receipt
22 of, genetic services, or participation in clinical research that
23 includes genetic services, by an individual or any family member
24 of the individual.
- 25 (3) "Genetic information" does not include information about
26 the sex or age of any individual.
- 27 (h) "Labor organization" includes any organization that exists
28 and is constituted for the purpose, in whole or in part, of collective
29 bargaining or of dealing with employers concerning grievances,
30 terms or conditions of employment, or of other mutual aid or
31 protection.
- 32 (i) "Medical condition" means either of the following:
- 33 (1) Any health impairment related to or associated with a
34 diagnosis of cancer or a record or history of cancer.
- 35 (2) Genetic characteristics. For purposes of this section, "genetic
36 characteristics" means either of the following:
- 37 (A) Any scientifically or medically identifiable gene or
38 chromosome, or combination or alteration thereof, that is known
39 to be a cause of a disease or disorder in a person or that person's
40 offspring, or that is determined to be associated with a statistically

1 increased risk of development of a disease or disorder, and that is
2 presently not associated with any symptoms of any disease or
3 disorder.

4 (B) Inherited characteristics that may derive from the individual
5 or family member, that are known to be a cause of a disease or
6 disorder in a person or that person’s offspring, or that are
7 determined to be associated with a statistically increased risk of
8 development of a disease or disorder, and that are presently not
9 associated with any symptoms of any disease or disorder.

10 (j) “Mental disability” includes, but is not limited to, all of the
11 following:

12 (1) Having any mental or psychological disorder or condition,
13 such as intellectual disability, organic brain syndrome, emotional
14 or mental illness, or specific learning disabilities, that limits a
15 major life activity. For purposes of this section:

16 (A) “Limits” shall be determined without regard to mitigating
17 measures, such as medications, assistive devices, or reasonable
18 accommodations, unless the mitigating measure itself limits a
19 major life activity.

20 (B) A mental or psychological disorder or condition limits a
21 major life activity if it makes the achievement of the major life
22 activity difficult.

23 (C) “Major life activities” shall be broadly construed and shall
24 include physical, mental, and social activities and working.

25 (2) Any other mental or psychological disorder or condition not
26 described in paragraph (1) that requires special education or related
27 services.

28 (3) Having a record or history of a mental or psychological
29 disorder or condition described in paragraph (1) or (2), which is
30 known to the employer or other entity covered by this part.

31 (4) Being regarded or treated by the employer or other entity
32 covered by this part as having, or having had, any mental condition
33 that makes achievement of a major life activity difficult.

34 (5) Being regarded or treated by the employer or other entity
35 covered by this part as having, or having had, a mental or
36 psychological disorder or condition that has no present disabling
37 effect, but that may become a mental disability as described in
38 paragraph (1) or (2).

39 “Mental disability” does not include sexual behavior disorders,
40 compulsive gambling, kleptomania, pyromania, or psychoactive

1 substance use disorders resulting from the current unlawful use of
2 controlled substances or other drugs.

3 (k) “Veteran or military status” means a member or veteran of
4 the United States Armed Forces, United States Armed Forces
5 Reserve, the United States National Guard, and the California
6 National Guard.

7 (l) “On the bases enumerated in this part” means or refers to
8 discrimination on the basis of one or more of the following: race,
9 religious creed, color, national origin, ancestry, physical disability,
10 mental disability, medical condition, genetic information, marital
11 status, sex, age, sexual orientation, reproductive health
12 decisionmaking, or veteran or military status.

13 (m) “Physical disability” includes, but is not limited to, all of
14 the following:

15 (1) Having any physiological disease, disorder, condition,
16 cosmetic disfigurement, or anatomical loss that does both of the
17 following:

18 (A) Affects one or more of the following body systems:
19 neurological, immunological, musculoskeletal, special sense
20 organs, respiratory, including speech organs, cardiovascular,
21 reproductive, digestive, genitourinary, hemic and lymphatic, skin,
22 and endocrine.

23 (B) Limits a major life activity. For purposes of this section:

24 (i) “Limits” shall be determined without regard to mitigating
25 measures such as medications, assistive devices, prosthetics, or
26 reasonable accommodations, unless the mitigating measure itself
27 limits a major life activity.

28 (ii) A physiological disease, disorder, condition, cosmetic
29 disfigurement, or anatomical loss limits a major life activity if it
30 makes the achievement of the major life activity difficult.

31 (iii) “Major life activities” shall be broadly construed and
32 includes physical, mental, and social activities and working.

33 (2) Any other health impairment not described in paragraph (1)
34 that requires special education or related services.

35 (3) Having a record or history of a disease, disorder, condition,
36 cosmetic disfigurement, anatomical loss, or health impairment
37 described in paragraph (1) or (2), which is known to the employer
38 or other entity covered by this part.

1 (4) Being regarded or treated by the employer or other entity
2 covered by this part as having, or having had, any physical
3 condition that makes achievement of a major life activity difficult.

4 (5) Being regarded or treated by the employer or other entity
5 covered by this part as having, or having had, a disease, disorder,
6 condition, cosmetic disfigurement, anatomical loss, or health
7 impairment that has no present disabling effect but may become
8 a physical disability as described in paragraph (1) or (2).

9 (6) “Physical disability” does not include sexual behavior
10 disorders, compulsive gambling, kleptomania, pyromania, or
11 psychoactive substance use disorders resulting from the current
12 unlawful use of controlled substances or other drugs.

13 (n) Notwithstanding subdivisions (j) and (m), if the definition
14 of “disability” used in the federal Americans with Disabilities Act
15 of 1990 (Public Law 101-336) would result in broader protection
16 of the civil rights of individuals with a mental disability or physical
17 disability, as defined in subdivision (j) or (m), or would include
18 any medical condition not included within those definitions, then
19 that broader protection or coverage shall be deemed incorporated
20 by reference into, and shall prevail over conflicting provisions of,
21 the definitions in subdivisions (j) and (m).

22 (o) “Race, religious creed, color, national origin, ancestry,
23 physical disability, mental disability, medical condition, genetic
24 information, marital status, sex, age, sexual orientation,
25 reproductive health decisionmaking, or veteran or military status”
26 includes a perception that the person has any of those
27 characteristics or that the person is associated with a person who
28 has, or is perceived to have, any of those characteristics.

29 (p) “Reasonable accommodation” may include either of the
30 following:

31 (1) Making existing facilities used by employees readily
32 accessible to, and usable by, individuals with disabilities.

33 (2) Job restructuring, part-time or modified work schedules,
34 reassignment to a vacant position, acquisition or modification of
35 equipment or devices, adjustment or modifications of examinations,
36 training materials or policies, the provision of qualified readers or
37 interpreters, and other similar accommodations for individuals
38 with disabilities.

39 (q) “Religious creed,” “religion,” “religious observance,”
40 “religious belief,” and “creed” include all aspects of religious

1 belief, observance, and practice, including religious dress and
2 grooming practices. “Religious dress practice” shall be construed
3 broadly to include the wearing or carrying of religious clothing,
4 head or face coverings, jewelry, artifacts, and any other item that
5 is part of an individual observing a religious creed. “Religious
6 grooming practice” shall be construed broadly to include all forms
7 of head, facial, and body hair that are part of an individual
8 observing a religious creed.

9 (r) (1) “Sex” includes, but is not limited to, the following:

10 (A) Pregnancy or medical conditions related to pregnancy.

11 (B) Childbirth or medical conditions related to childbirth.

12 (C) Breastfeeding or medical conditions related to breastfeeding.

13 (2) “Sex” also includes, but is not limited to, a person’s gender.

14 “Gender” means sex, and includes a person’s gender identity and
15 gender expression. “Gender expression” means a person’s
16 gender-related appearance and behavior whether or not
17 stereotypically associated with the person’s assigned sex at birth.

18 (s) “Sexual orientation” means heterosexuality, homosexuality,
19 and bisexuality.

20 (t) “Supervisor” means any individual having the authority, in
21 the interest of the employer, to hire, transfer, suspend, lay off,
22 recall, promote, discharge, assign, reward, or discipline other
23 employees, or the responsibility to direct them, or to adjust their
24 grievances, or effectively to recommend that action, if, in
25 connection with the foregoing, the exercise of that authority is not
26 of a merely routine or clerical nature, but requires the use of
27 independent judgment.

28 (u) “Undue hardship” means an action requiring significant
29 difficulty or expense, when considered in light of the following
30 factors:

31 (1) The nature and cost of the accommodation needed.

32 (2) The overall financial resources of the facilities involved in
33 the provision of the reasonable accommodations, the number of
34 persons employed at the facility, and the effect on expenses and
35 resources or the impact otherwise of these accommodations upon
36 the operation of the facility.

37 (3) The overall financial resources of the covered entity, the
38 overall size of the business of a covered entity with respect to the
39 number of employees, and the number, type, and location of its
40 facilities.

1 (4) The type of operations, including the composition, structure,
2 and functions of the workforce of the entity.

3 (5) The geographic separateness or administrative or fiscal
4 relationship of the facility or facilities.

5 (v) “National origin” discrimination includes, but is not limited
6 to, discrimination on the basis of possessing a driver’s license or
7 identification card granted under Section 12801.9 of the Vehicle
8 Code.

9 (w) “Race” is inclusive of traits ~~historically~~ associated with
10 race, including, but not limited to, hair texture and protective
11 hairstyles.

12 (x) “Protective hairstyles” includes, but is not limited to, such
13 hairstyles as braids, locks, and twists.

14 (y) “Reproductive health decisionmaking” includes, but is not
15 limited to, a decision to use or access a particular drug, device,
16 product, or medical service for reproductive health. This
17 subdivision and other provisions in this part relating to
18 “reproductive health decisionmaking” shall not be construed to
19 mean that subdivision (r) of this section and other provisions in
20 this part related to “sex” do not include reproductive health
21 decisionmaking.

22 ~~SECTION 1. Section 53.8 is added to the Civil Code,~~
23 ~~immediately following Section 53.7, to read:~~

24 ~~53.8. (a) For purposes of this section, the following definitions~~
25 ~~shall apply:~~

26 ~~(1) “Amateur sports organization” means an organization,~~
27 ~~business, nonprofit entity, or a local governmental agency that~~
28 ~~sponsors or conducts youth or amateur sports competitions,~~
29 ~~training, camps, or clubs. “Amateur sports organization” does not~~
30 ~~include collegiate sports organizations and professional sports~~
31 ~~organizations.~~

32 ~~(2) “Collegiate sports organization” means an athletic~~
33 ~~organization in which the participants are teams from a public or~~
34 ~~private institution of higher learning or an individual competing~~
35 ~~on behalf of a public or private institution of higher learning.~~

36 ~~(3) “Professional sports organization” means an athletic~~
37 ~~organization in which the participants receive compensation for~~
38 ~~competing in a sporting event. Any organization that qualifies as~~
39 ~~a collegiate sports organization shall not be considered a~~

1 professional sports organization regardless of whether competitors
2 are compensated.

3 (4) ~~“Protective hairstyles” includes, but is not limited to, such~~
4 ~~hairstyles as braids, locks, and twists.~~

5 (5) ~~“Race” is inclusive of traits historically associated with race,~~
6 ~~including, but not limited to, hair texture and protective hairstyles.~~

7 (b) ~~An amateur sports organization shall not discriminate against~~
8 ~~any person on the basis of race in the operation, conduct, or~~
9 ~~administration of a youth or amateur sports competition, training,~~
10 ~~camp, or club within this state.~~

11

12

13 **REVISIONS:**

14 **Heading—Line 3.**

15

AMENDED IN ASSEMBLY APRIL 11, 2024
AMENDED IN ASSEMBLY FEBRUARY 26, 2024
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1929

**Introduced by Assembly Member McKinnor
(Coauthor: Assembly Member Muratsuchi)**

January 25, 2024

An act to amend Sections ~~53071 and 88821~~ 53071, 88826, and 88828 of the Education Code, relating to career technical education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1929, as amended, McKinnor. Career technical education: data collection.

Existing law establishes the California Career Technical Education Incentive Grant Program, administered by the State Department of Education, with the purpose of encouraging, maintaining, and strengthening the delivery of high-quality career technical education programs, as specified. Existing law requires grant applicants under the program to meet minimum requirements, including, among other things, reporting to the Superintendent of Public Instruction specified data relating to pupils and their career technical education coursework.

This bill would require that data to be disaggregated by ~~race~~: *race and gender*.

Existing law establishes the Strong Workforce Program to provide funding to career technical education regional consortia made up of community college districts and local educational agencies, as specified. Existing law requires ~~the collaborative efforts of these consortia to focus upon evidence-based decisionmaking and student success with~~

~~workforce outcomes aligned with the performance accountability measures of the federal Workforce Innovation and Opportunity Act, and closing labor market and employment gaps. the office of the Chancellor of the California Community Colleges to implement performance accountability outcome measures for the Community College component of the program, as provided, and requires these outcome measures to include, to the extent possible, demographic data to allow policymakers and the general public to evaluate progress in closing equity gaps in program access and completion, and earnings of underserved demographic groups. Existing law requires the chancellor's office to submit an annual report on the Community College component of the program to the Governor and the Legislature that includes, among other things, data summarizing those outcome accountability performance measures. Existing law requires, as part of the K-12 component of the program, a local educational agency applicant, or the applicant's career technical program, as applicable, to report data that can be used by policymakers, local educational agencies, community college districts, and their regional partners to support and evaluate the program, including, to the extent possible, demographic data used to evaluate progress in closing equity gaps in program access and completion, and earnings of underserved demographic groups, as provided. Existing law requires this reporting to include specified metrics.~~

~~This bill would require each consortium to collect the above-described performance accountability measures and data on career technical education outcomes, associated with the Strong Workforce Program to be disaggregated by race: race and gender, as provided.~~

~~The bill also would correct a cross-reference.~~

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 53071 of the Education Code is amended
- 2 to read:
- 3 53071. The department shall administer this program as a
- 4 competitive grant program. An applicant shall demonstrate all of
- 5 the following to be considered for a grant award:

1 (a) (1) A proportional dollar-for-dollar match as follows for
2 any funding that an applicant is determined to be eligible to receive
3 under the allocation formula established pursuant to Section 53076:

4 (A) For the fiscal year beginning July 1, 2015, one dollar (\$1)
5 for every one dollar (\$1) received from this program.

6 (B) For the fiscal year beginning July 1, 2016, one dollar and
7 fifty cents (\$1.50) for every one dollar (\$1) received from this
8 program.

9 (C) For the fiscal year beginning July 1, 2017, two dollars (\$2)
10 for every one dollar (\$1) received from this program.

11 (D) (i) For the fiscal year beginning July 1, 2018, and each
12 fiscal year thereafter, two dollars (\$2) for every one dollar (\$1)
13 received from this program.

14 (ii) Beginning July 1, 2021, the proportional dollar-for-dollar
15 match shall be encumbered in the fiscal year for which an applicant
16 is applying to receive a grant under the program.

17 (2) In the event an applicant is unable to fully match the amount
18 of funding that the allocation formula determines that they are
19 eligible to receive, the applicant's award shall be reduced to the
20 amount necessary for the applicant to meet the requirements of
21 this subdivision. Under no circumstances shall an applicant be
22 awarded an amount higher than the amount that the allocation
23 formula determines them to be eligible to receive under the
24 program.

25 (3) That local match may include funding from school district
26 and charter school local control funding formula apportionments
27 pursuant to Section 42238.02, the federal Strengthening Career
28 and Technical Education for the 21st Century Act (Perkins V)
29 (Public Law 115-224), the California Partnership Academies, the
30 Agricultural Career Technical Education Incentive Grant, or any
31 other allowable source except as provided in paragraph (4).

32 (4) That local match shall not include funding from the K–12
33 component of the Strong Workforce Program established pursuant
34 to Section 88827 or the Career Technical Education Facilities
35 Program established pursuant to Section 17078.72.

36 (5) An applicant's matching funds shall be used to support the
37 program or programs for which the applicant was awarded a grant.

38 (b) A three-year plan for continued financial and administrative
39 support of career technical education programs that demonstrates
40 a financial commitment of no less than the amount expended on

1 those programs in the previous fiscal year. The plan, at a minimum,
2 shall include the identification of available funding within an
3 applicant's current or projected budget to continue to support career
4 technical education programs and a written commitment to do so.
5 If an applicant consisting of more than one school district, county
6 office of education, charter school, or regional occupational center
7 or program operated by a joint powers authority or county office
8 of education, or any combination of these entities, is applying for
9 grant funding from this program, identification of available funding
10 and a written commitment shall be demonstrated by each
11 participating constituent entity.

12 (c) The applicant, or the applicant's career technical education
13 program, as applicable, meets all of the following minimum
14 eligibility standards:

15 (1) Offers ~~high-quality~~ *high-quality* curriculum and instruction
16 aligned with the California Career Technical Education Model
17 Curriculum Standards, including, but not limited to, providing a
18 coherent sequence of career technical education courses that enable
19 pupils to transition to postsecondary education programs that lead
20 to a career pathway or attain employment or industry certification
21 upon graduation from high school, including programs that
22 integrate academic and career technical education and that offer
23 the opportunity for participants to prepare for postsecondary
24 enrollment and to earn postsecondary credits through Advanced
25 Placement courses, International Baccalaureate courses, or by
26 formal agreement with a postsecondary partner to provide dual
27 enrollment opportunities.

28 (2) Provides pupils with quality career exploration, guidance,
29 and a continuum of work-based learning opportunities aligned
30 with academic coursework, which may include paid internships.

31 (3) Provides pupil support services, including counseling and
32 leadership development, to address pupils' social, emotional,
33 career, and academic needs.

34 (4) Provides for system alignment, coherence, and articulation,
35 including ongoing and structural regional or local partnerships
36 with postsecondary educational institutions, documented through
37 formal written agreements allowing for dual enrollment
38 opportunities.

39 (5) Forms ongoing and meaningful industry and labor
40 partnerships, evidenced by written agreements and through

1 participation on advisory committees and collaboration with
2 business and labor organizations to provide opportunities for pupils
3 to gain access to preapprenticeships, internships, industry
4 certifications, and work-based learning opportunities as well as
5 opportunities for industry to provide input to the career technical
6 education programs and curriculum.

7 (6) Provides opportunities for pupils to participate in after
8 school, extended day, and out-of-school internships, competitions,
9 leadership development opportunities, career and technical
10 education student organizations, and other work-based learning
11 opportunities.

12 (7) Reflects regional or local labor market demands, and focuses
13 on current or emerging high-skill, high-wage, or high-demand
14 occupations, and is informed by the regional plan of the local
15 Strong Workforce Program consortium.

16 (8) Leads to an industry-recognized credential or certificate, or
17 appropriate postsecondary education or training, employment, or
18 a postsecondary degree.

19 (9) Is staffed by skilled teachers or faculty, and provides
20 professional development opportunities for any teachers or faculty
21 members supporting pupils in those programs.

22 (10) Provides opportunities for pupils who are individuals with
23 exceptional needs to participate in all programs.

24 (11) (A) Reports data to the Superintendent, no later than
25 November 1 of each fiscal year, as a program participation
26 requirement, to allow for an evaluation of the program.

27 (B) Data reported pursuant to this paragraph shall include, but
28 not be limited to, the quality indicators described in the California
29 State Plan for Career Technical Education required by the federal
30 Strengthening Career and Technical Education for the 21st Century
31 Act (Perkins V), and each of the following metrics, disaggregated
32 by ~~race~~: *race and gender*:

33 (i) The high school graduation rate.

34 (ii) The number of pupils completing career technical education
35 coursework.

36 (iii) The number of pupils meeting academic and
37 career-readiness standards as defined in the College/Career
38 Indicator associated with the California School Dashboard.

1 (iv) The number of pupils obtaining an industry-recognized
2 credential, certificate, license, or other measure of technical skill
3 attainment.

4 (v) The number of former pupils employed and the types of
5 businesses in which they are employed.

6 (vi) The number of former pupils enrolled in each of the
7 following:

8 (I) A postsecondary educational institution.

9 (II) A state apprenticeship program.

10 (III) A form of job training other than a state apprenticeship
11 program.

12 (C) No later than November 30 of each fiscal year, the California
13 Workforce Pathways Joint Advisory Committee, established
14 pursuant to Section 12053, shall review the data metrics specified
15 in subparagraph (B) and make recommendations to the Department
16 of Finance, the Governor, and the appropriate policy and fiscal
17 committees of the Legislature as to both of the following topics:

18 (i) Whether these data metrics remain the most appropriate
19 metrics to measure and evaluate program outcomes for both new
20 and renewal applicants.

21 (ii) Whether other metrics should be included.

22 (D) The department shall make the data reported pursuant to
23 subparagraph (B) available to the office of the Chancellor of the
24 California Community Colleges, in the manner and form requested
25 by the office of the Chancellor of the California Community
26 Colleges, on or before December 30 of each fiscal year to ensure
27 that data is included in the California Community Colleges
28 LaunchBoard data platform.

29 ~~SEC. 2. Section 88821 of the Education Code is amended to~~
30 ~~read:~~

31 ~~88821. (a) The Legislature finds and declares all of the~~
32 ~~following:~~

33 ~~(1) California’s economic competitiveness is fueled, in part, by~~
34 ~~the strength of its regional economies and its skilled workforce.~~

35 ~~(2) Upward social and economic mobility helps keep the state’s~~
36 ~~economy diversified and vibrant.~~

37 ~~(3) The attainment of industry-valued “middle skill credentials”~~
38 ~~serves as a gateway for a large and diverse number of careers in~~
39 ~~the state’s economy.~~

1 ~~(4) California’s local educational agencies, community college~~
2 ~~districts, interested public four-year universities, local workforce~~
3 ~~development boards, economic development and industry leaders,~~
4 ~~and local civic representatives should collaboratively work together~~
5 ~~to inform the offerings of courses, programs, pathways, and~~
6 ~~workforce development opportunities that enable students to access~~
7 ~~the current and future job market and further social and economic~~
8 ~~mobility.~~

9 ~~(b) The Strong Workforce Program is hereby established as a~~
10 ~~K-14 state education, economic, and workforce development~~
11 ~~initiative for the purpose of expanding the availability of~~
12 ~~high-quality, industry-valued career technical education and~~
13 ~~workforce development courses, programs, pathways, credentials,~~
14 ~~certificates, and degrees.~~

15 ~~(c) To facilitate program coordination and alignment with other~~
16 ~~workforce training, education, and employment services in the~~
17 ~~state, the Strong Workforce Program shall operate in a manner~~
18 ~~that complies with the California Strategic Workforce Development~~
19 ~~Plan, required pursuant to the federal Workforce Innovation and~~
20 ~~Opportunity Act (Public Law 113-128), and expand upon existing~~
21 ~~consortia infrastructure.~~

22 ~~(d) To avoid duplication of effort, activities funded under the~~
23 ~~Strong Workforce Program shall be informed by, aligned with,~~
24 ~~and expand upon the activities of existing workforce and education~~
25 ~~regional partnerships, including those partnership activities that~~
26 ~~pertain to regional planning efforts established pursuant to the~~
27 ~~federal Workforce Innovation and Opportunity Act (Public Law~~
28 ~~113-128), adult education block grant consortia, and other career~~
29 ~~technical education programs.~~

30 ~~(e) All of the following guiding principles apply to each~~
31 ~~consortium participating in the Strong Workforce Program:~~

32 ~~(1) Any community college district or local educational agency~~
33 ~~participating in the consortium shall ensure that its career technical~~
34 ~~education and workforce development courses, credentials,~~
35 ~~certificates, degrees, programs, and pathway offerings, as~~
36 ~~applicable, are responsive to the needs of employers, workers,~~
37 ~~civic leaders, and students.~~

38 ~~(2) The consortium shall collaborate with other public~~
39 ~~institutions, including, but not limited to, adult education consortia,~~

1 local workforce development boards, and interested California
2 State University and University of California institutions.

3 ~~(3) The consortium shall collaborate with civic representatives,
4 representatives from the labor community, and economic
5 development and industry sector leaders within the region.~~

6 ~~(4) The consortium shall include collaborating entities and
7 persons identified in this subdivision in planning meetings, provide
8 them with adequate notice of the consortium's proposed decisions,
9 and solicit, consider, and respond to comments from them
10 regarding the consortium's proposed decisions.~~

11 ~~(5) (A) Collaborative efforts shall focus upon evidence-based
12 decisionmaking and student success with workforce outcomes
13 aligned with the performance accountability measures of the federal
14 Workforce Innovation and Opportunity Act (Public Law 113-128),
15 and closing labor market and employment gaps. Each consortium
16 shall strive to align programmatic offerings in the most effective
17 and efficient manner to avoid duplication of effort and streamline
18 access to services, and education and training opportunities.~~

19 ~~(B) Each consortium shall collect data on career technical
20 education outcomes, disaggregated by race.~~

21 ~~(6) Community college districts, local educational agencies,
22 and other entities participating in a consortium are encouraged to
23 develop long-term partnerships with private sector employers and
24 labor partners to provide coordinated courses, programs, and
25 pathways with employer involvement in the assessment, planning,
26 and development of career technical education courses, programs,
27 and pathways. To the extent practicable, employer partnerships
28 should build upon regional partnerships formed pursuant to the
29 federal Workforce Innovation and Opportunity Act (Public Law
30 113-128) and other state or federal programs.~~

31 ~~(7) Community college districts, local educational agencies,
32 and other entities participating in a consortium are encouraged to
33 develop and work closely with public and private organizations
34 that offer workforce development programs and pathways to
35 individuals with autism and other developmental disabilities to
36 provide a comprehensive approach to address workforce readiness
37 and employment.~~

38 ~~(f) The chancellor's office shall, in consultation with the
39 California Workforce Development Board, the Academic Senate
40 for California Community Colleges, and its partners formed~~

1 pursuant to the federal Workforce Innovation and Opportunity Act
2 (Public Law 113-128), as applicable, develop and implement
3 policies and guidance necessary to implement the Community
4 College component of the Strong Workforce Program, including
5 policies and guidance necessary for consortia, including community
6 college districts and their regional partners, to increase the number
7 of aligned middle skill and career technical education courses,
8 programs, pathways, credentials, certificates, and degrees. No later
9 than June 30, 2017, the chancellor's office shall develop and
10 implement policies and guidance pursuant to this subdivision and
11 bring before the Board of Governors of the California Community
12 Colleges any policies, regulations, and guidance necessary to
13 accomplish all of the following:

14 (1) Facilitate the development, implementation, and sharing of
15 career technical education effective practices, curriculum models
16 and courses, and community college credentials, certificates,
17 degrees, and programs across regions and among community
18 college districts.

19 (2) Enable community college districts to develop career
20 technical education and workforce outcomes, and applicable
21 associate degrees and certificates as appropriate.

22 (3) Provide accessible performance and labor market data that
23 can be used flexibly by participating community college districts
24 and their regional partners to support the implementation of the
25 Strong Workforce Program and related efforts to align regional
26 workforce and education programming with regional labor market
27 needs.

28 (4) Encourage local efficiency through coordinated and
29 collaborative regional workforce efforts in which community
30 college districts are partners.

31 (5) Support curriculum processes to ensure that students are
32 able to efficiently transfer college-level career technical education
33 credits across community college districts and to the California
34 State University and the University of California.

35 (6) Improve sector-based engagement with employers within a
36 region.

37 (7) Provide, in partnership with employers, work-based learning
38 opportunities for students that increase their employability and
39 earning potential.

1 ~~(8) Enable community college districts to facilitate and optimize~~
2 ~~their resources to support the Strong Workforce Program and other~~
3 ~~related regional workforce development efforts.~~

4 ~~(9) Ensure that community college district Strong Workforce~~
5 ~~Program expenditures are focused on improving student success~~
6 ~~with workforce outcomes for all students enrolled in community~~
7 ~~college career technical education courses, programs, and~~
8 ~~pathways.~~

9 ~~(10) (A) For the Community College component only,~~
10 ~~notwithstanding the June 30, 2017, implementation date specified~~
11 ~~in this subdivision, develop and implement a plan to streamline~~
12 ~~the course and curriculum approval process, both at the state and~~
13 ~~local levels. The plan shall reflect an expedited state approval~~
14 ~~process for career technical education courses, programs, and~~
15 ~~certificates, and may include the elimination of an existing state~~
16 ~~course and program approval process. The plan shall reflect one~~
17 ~~of the following two options:~~

18 ~~(i) A process of course and curriculum approval that enables~~
19 ~~community college districts to develop a course or program within~~
20 ~~one academic year and to offer that course or program the~~
21 ~~subsequent academic year.~~

22 ~~(ii) A process of course and curriculum approval that enables~~
23 ~~community college districts to develop a course or program within~~
24 ~~one academic semester and to offer that course or program the~~
25 ~~subsequent academic semester.~~

26 ~~(B) The plan described in subparagraph (A) shall also reflect~~
27 ~~the creation of a process that enables career technical education~~
28 ~~courses and programs to be portable among community college~~
29 ~~districts. This process shall enable a community college district to~~
30 ~~adapt, adopt, or adapt and adopt another community college~~
31 ~~district's approved career technical education courses, programs,~~
32 ~~and curriculum within one academic semester and to offer that~~
33 ~~course or program, or utilize that curriculum, the subsequent~~
34 ~~academic semester.~~

35 ~~(C) The chancellor's office shall consult with the Legislature~~
36 ~~and the Governor prior to implementing the plan. The plan shall~~
37 ~~be developed no later than July 1, 2017, and implemented no later~~
38 ~~than January 1, 2018.~~

1 ~~(11) Eliminate barriers to hiring qualified instructors for career~~
2 ~~technical education courses, including reevaluating the required~~
3 ~~minimum qualifications for career technical education instructors.~~

4 ~~(g) Community college districts are encouraged to expedite the~~
5 ~~development of targeted credit or noncredit short-term workforce~~
6 ~~training programs, in accordance with all of the following:~~

7 ~~(1) Short-term workforce training programs that focus on~~
8 ~~economic recovery and result in job placement.~~

9 ~~(2) Short-term workforce training programs that focus on the~~
10 ~~reskilling and upskilling of individuals.~~

11 ~~(3) (A) Short-term workforce training programs that have at~~
12 ~~least one proven employer partner, demonstrate job vacancies, and~~
13 ~~submit verification to the chancellor's office.~~

14 ~~(B) For purposes of subparagraph (A), verification includes the~~
15 ~~projected number of individuals served, completion rates, and job~~
16 ~~placement rates.~~

17 ~~(4) It is the intent of the Legislature that, where possible,~~
18 ~~short-term noncredit workforce training programs should be~~
19 ~~utilized to be responsive to the workforce training needs of~~
20 ~~employers, with the ability to transition to credit or noncredit~~
21 ~~courses and programs upon successful completion of a program~~
22 ~~established pursuant to this subdivision. Colleges are encouraged~~
23 ~~to develop workforce training that utilizes competency-based~~
24 ~~approaches, and applies credit for prior learning where possible.~~

25 ~~(h) After June 30, 2017, and only as necessary, the chancellor's~~
26 ~~office may develop and implement revised policies and guidance~~
27 ~~for the Community College component only, and bring regulations~~
28 ~~before the Board of Governors of the California Community~~
29 ~~Colleges as necessary for a community college district and its~~
30 ~~regional partners to accomplish both of the following:~~

31 ~~(1) Implement and expand the amount of aligned middle-skill~~
32 ~~and career technical education credentials, certificates, degrees,~~
33 ~~courses, programs, and pathways in accordance with paragraphs~~
34 ~~(1) to (11), inclusive, of subdivision (f).~~

35 ~~(2) Implement the recommendations of the Strong Workforce~~
36 ~~Task Force.~~

37 ~~(i) (1) For purposes of this section, the chancellor's office shall~~
38 ~~consider input provided by relevant stakeholders, including the~~
39 ~~Academic Senate of the California Community Colleges, the~~
40 ~~Workforce Pathways Joint Advisory Committee, and the California~~

1 ~~Workforce Development Board, before implementing revised~~
2 ~~guidance, policies, or regulatory changes for the Community~~
3 ~~College component.~~

4 ~~(2) For purposes of the Community College component and in~~
5 ~~compliance with the consultation requirements in Sections 70901~~
6 ~~and 70902, the Academic Senate of the California Community~~
7 ~~Colleges shall establish a career technical education subcommittee~~
8 ~~to provide recommendations on career technical education issues.~~
9 ~~No less than 70 percent of the subcommittee shall consist of career~~
10 ~~technical education faculty. The subcommittee's charter shall~~
11 ~~require it to provide assistance to community college districts to~~
12 ~~ensure that career technical education and its instruction is~~
13 ~~responsive and aligned to current and emergent industry trends,~~
14 ~~and ensure that similar courses, programs, and degrees are portable~~
15 ~~among community college districts.~~

16 *SEC. 2. Section 88826 of the Education Code is amended to*
17 *read:*

18 88826. (a) This section applies to the Community College
19 component only.

20 (b) The chancellor's office shall post on its ~~Internet Web site,~~
21 *internet website*, for ease of access, all regional plans and their
22 subsequent progress plans, and solicit feedback from each
23 consortium on recommendations they have for overall program
24 improvement.

25 (c) The chancellor's office shall implement performance
26 accountability outcome measures for the Community College
27 component of the program that provide the Governor, the
28 Legislature, and the general public with information that quantifies
29 employer and student outcomes for those participating in the
30 program. These performance accountability measures shall, to the
31 extent possible, align with the performance accountability measures
32 of the federal Workforce Innovation and Opportunity Act (Public
33 Law 113-128). Outcome measures shall ~~include, to the extent~~
34 ~~possible,~~ *include* demographic data, *disaggregated by race and*
35 *gender*, to allow policymakers and the general public to evaluate
36 progress in closing equity gaps in program access and completion,
37 and earnings of underserved demographic groups.

38 (d) (1) Commencing in 2018, the chancellor's office shall
39 submit a report on the Community College component of the
40 program to the Governor and the Legislature on or before the

1 January 1 immediately subsequent to the fiscal year which the
2 report addresses. This report shall include, but is not limited to,
3 all of the following:

4 (A) Data summarizing outcome accountability performance
5 measures collected by the chancellor's office pursuant to
6 subdivision ~~(e)~~. (c), *disaggregated by race and gender*.

7 (B) A summary of recommendations for program improvement
8 collected by the chancellor's office pursuant to subdivision (b).

9 (C) Recommendations for future allocations to consortiums
10 based upon program outcomes, including, at a minimum, the
11 number of certificates granted to, and wage increases of, students
12 who have completed a career technical education program.

13 (2) A report to be submitted pursuant to this subdivision shall
14 be submitted in compliance with Section 9795 of the Government
15 Code.

16 *SEC. 3. Section 88828 of the Education Code is amended to*
17 *read:*

18 88828. This section applies to the K–12 component only. Each
19 consortium shall administer a competitive grant program to
20 distribute funding allocated pursuant to subdivision (c) of Section
21 88827 to eligible grant recipients. Consortia are encouraged to
22 collaboratively develop a uniform grant application process that
23 includes a process for grant renewals and for a grant applicant to
24 appeal a grant award decision of the K–12 Selection Committee.
25 As part of the application process, each consortium shall ask
26 applicants to indicate whether they have received a grant under
27 the California Career Technical Education Incentive Grant Program
28 established pursuant to Chapter 16.5 (commencing with Section
29 53070) of Part 28 of Division 4 of Title 2. For each fiscal year, the
30 chancellor's office shall work with the State Department of
31 Education to produce a list of grant recipients that receive funding
32 under this program as well as through the California Career
33 Technical Education Incentive Grant Program, including the grant
34 amounts awarded through each program and the purpose for which
35 each grant was awarded. Local educational agencies applying to
36 receive a grant from a consortium shall comply with all of the
37 following:

38 (a) The local educational agency shall be located within the
39 geographical boundaries of the consortium, and engage in regional
40 efforts to align workforce, employment, and education services.

1 (b) The local educational agency shall use its consortium's plan
2 developed pursuant to Section 88823 to inform their efforts to
3 create, support, implement or expand upon career technical
4 education courses, course sequences, programs, and pathways,
5 and to the extent possible, integrate available local, regional, state,
6 and private resources to improve the successful outcomes of pupils
7 enrolled in career technical education courses, course sequences,
8 programs, and pathways. To the extent an applicant's career
9 technical education program, or programs, offered in the 2018–19
10 fiscal year do not align with its consortium's plan developed
11 pursuant to Section 88823, the applicant shall be deemed to meet
12 this requirement by including in its grant application the steps that
13 it will take during the 2018–19 fiscal year to align its career
14 technical education program, or programs, with its consortium's
15 plan.

16 (c) (1) The local educational agency shall provide matching
17 funds for any grant funding received from this program as follows:

18 (A) For regional occupational centers or programs operated by
19 a joint powers authority or county office of education, one dollar
20 (\$1) for every one dollar (\$1) received from this program.

21 (B) For local educational agencies, two dollars (\$2) for every
22 one dollar (\$1) received from this program.

23 (2) The local match may include funding from school district
24 and charter school local control funding formula apportionments
25 pursuant to Section 42238.02, the federal Strengthening Career
26 and Technical Education for the 21st Century Act (Perkins V)
27 (Public Law 115-224), the partnership academies program pursuant
28 to Article 5 (commencing with Section 54690) of Chapter 9 of
29 Part 29 of Division 4 of Title 2, the agricultural career technical
30 education incentive program pursuant to Article 7.5 (commencing
31 with Section 52460) of Chapter 9 of Part 28 of Division 4 of Title
32 2, or any other allowable source, except as provided in paragraph
33 (3).

34 (3) The local match described in this subdivision shall not
35 include any funding received by the applicant from the California
36 Career Pathways Trust established pursuant to Section 53010, the
37 California Career Technical Education Incentive Grant Program
38 established pursuant to Section 53070, or the Career Technical
39 Education Facilities Program established pursuant to Section
40 17078.72.

1 (4) An applicant’s matching funds shall be used to support the
2 program, or programs, for which the applicant was awarded a
3 grant.

4 (d) The applicant, or the applicant’s career technical education
5 program, as applicable, shall meet all of the following minimum
6 eligibility standards:

7 (1) Is informed by, aligned with, and expands upon regional
8 plans and planning efforts occurring through the Strong Workforce
9 Program.

10 (2) Offers high-quality curriculum and instruction aligned with
11 the California Career Technical Education Model Curriculum
12 Standards adopted by the State Board of Education pursuant to
13 Section 51226, including, but not limited to, providing a coherent
14 sequence of career technical education courses that enable pupils
15 to transition to postsecondary education or training programs that
16 lead to a career pathway or attain employment upon graduation
17 from high school.

18 (3) Provides pupils with quality career exploration and guidance.

19 (4) Provides pupil support services, including, but not limited
20 to, counseling and leadership development.

21 (5) Provides opportunities for pupils to participate in
22 after-school, extended-day, and out-of-school internships,
23 competitions, and other work-based learning opportunities.

24 (6) Leads to an industry-recognized credential or certificate,
25 appropriate postsecondary training or employment, or a
26 postsecondary degree.

27 (7) Is staffed by skilled teachers or faculty and provides
28 professional development opportunities for those teachers or faculty
29 members.

30 (8) (A) Reports data that can be used by policymakers, local
31 educational agencies, community college districts, and their
32 regional partners to support and evaluate the program, ~~including,~~
33 ~~to the extent possible,~~ *including* demographic ~~data~~ *data*,
34 *disaggregated by race and gender*, used to evaluate progress in
35 closing equity gaps in program access and completion, and earnings
36 of underserved demographic groups.

37 (B) Data reported pursuant to this paragraph shall include, but
38 is not limited to, metrics aligned with the core metrics required by
39 the federal Workforce Innovation and Opportunity Act (Public
40 Law 113-128), the College/Career Indicator included in the

1 California School Dashboard, and the quality indicators described
2 in the California State Plan for Career Technical Education required
3 by the federal Strengthening Career and Technical Education for
4 the 21st Century Act (Perkins V), and the following ~~metrics:~~
5 *metrics, disaggregated by race and gender:*

6 (i) The high school graduation rate.
7 (ii) The number of pupils completing career technical education
8 coursework.

9 (iii) The number of pupils obtaining an industry-recognized
10 credential, certificate, license, or other measure of technical skill
11 attainment.

12 (iv) The number of former pupils employed and the types of
13 businesses in which they are employed.

14 (v) The number of former pupils enrolled in each of the
15 following:

16 (I) A postsecondary educational institution, disaggregated by
17 public, private nonprofit, and private for-profit institutions.

18 (II) A state apprenticeship program.

19 (III) Another form of job training.

20 (C) No later than November 30 of each fiscal year, the
21 Workforce Pathways Joint Advisory Committee established
22 pursuant to Section 12053 shall review the data metrics specified
23 in subparagraph (B) and make recommendations to the fiscal and
24 appropriate policy committees of both houses of the Legislature
25 and to the Department of Finance as to whether they are the most
26 appropriate metrics to measure and evaluate program outcomes
27 for both new and renewal applicants, and whether other metrics
28 should be included.

29 (D) Data collected pursuant to this section shall be reported by
30 the grant recipient to the State Department of Education and their
31 K–14 Technical Assistance Provider by November 1 immediately
32 following the fiscal year for which the data is being reported. The
33 K–14 Technical Assistance Provider shall annually notify the K–12
34 Selection Committee in each region of any grant recipient that
35 fails to provide the required outcome data. The K–12 Selection
36 Committee, in consultation with the consortium, may terminate
37 or rescind contracts and grants from grantees that fail to provide
38 the required outcome-based data pursuant to this paragraph.

39 (E) The State Department of Education shall make the data
40 reported pursuant to subparagraph (D) available to the chancellor's

1 office on a date to be jointly determined by the State Department
2 of Education and the chancellor's office, to ensure the data is
3 included on the California Community Colleges LaunchBoard
4 data platform.

5 (F) No later than January 31, 2024, and on or before January
6 31 every five years thereafter, the State Department of Education
7 shall submit a report, pursuant to Section ~~53076.5~~ 53076.2 and
8 this section, to the Department of Finance, the Governor, and the
9 appropriate policy and fiscal committees of the Legislature
10 evaluating the progress that local educational agencies have made
11 in expanding the availability of high-quality, industry-valued career
12 technical education and workforce development opportunities;
13 improving coordination and alignment with postsecondary
14 educational institutions and workforce agencies and programs;
15 and, to the extent possible, the progress in closing equity gaps in
16 program access and completion.

O

ASSEMBLY BILL

No. 1975

Introduced by Assembly Member Bonta

(Coauthors: Assembly Members *Aguiar-Curry, Arambula, Bryan, Gipson, Holden, Jackson, Jones-Sawyer, McCarty, McKinnor, Luz Rivas, Robert Rivas, Weber, and Wilson*)

(Coauthors: Senators Bradford and Smallwood-Cuevas)

January 30, 2024

An act to add Sections 14134, 14134.1, 14134.11, and 14134.12 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as introduced, Bonta. Medi-Cal: medically supportive food and nutrition interventions.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions.

Existing law requires the department to establish the Medically Tailored Meals Pilot Program and the Short-Term Medically Tailored Meals Intervention Services Program, to operate in specified counties and during limited periods for the purpose of providing medically tailored meal intervention services to eligible Medi-Cal beneficiaries with certain health conditions, including congestive heart failure, cancer, diabetes, chronic obstructive pulmonary disease, or renal disease.

Existing law, subject to implementation of the California Advancing and Innovating Medi-Cal (CalAIM) initiative, authorizes a Medi-Cal managed care plan to elect to cover community supports approved by

the department as cost effective and medically appropriate in a comprehensive risk contract that are in lieu of applicable Medi-Cal state plan services. Under existing law, community supports that the department is authorized to approve include, among other things, medically supportive food and nutrition services, including medically tailored meals.

This bill would make medically supportive food and nutrition interventions, as defined, a covered benefit under the Medi-Cal program, through both the fee-for-service and managed care delivery systems, effective July 1, 2026, subject to federal approval and the issuance of final guidance by the department. The bill would require those interventions to be covered if determined to be medically necessary by a health care provider or health care plan, as specified. The bill would require the provision of interventions for 12 weeks, or longer if deemed medically necessary. The bill would require a Medi-Cal managed care plan to offer at least 3 of 6 listed interventions, with certain conditions for a 7th intervention.

The bill would require the department to define the qualifying medical conditions for purposes of the covered interventions. The bill would require a health care provider, to the extent possible, to match the acuity of a patient’s condition to the intensity and duration of the covered intervention and to include culturally appropriate foods.

The bill would require the department to establish a medically supportive food and nutrition benefit stakeholder group, with a specified composition, to advise the department on certain related items. The bill would require the workgroup to issue final guidance on or before July 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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Too many Californians, particularly Californians of color,
- 4 are living with largely preventable chronic conditions. Adequate
- 5 food and nutrition are a fundamental part of preventing and treating
- 6 many health conditions, and can significantly improve a person’s
- 7 quality of life and health status while also reducing health care
- 8 costs.

1 (b) California has recognized the critical role of nutrition and
2 its influence on health outcomes and health equity through its
3 inclusion of medically supportive food and nutrition interventions
4 in the California Advancing and Innovating Medi-Cal (CalAIM)
5 initiative. However, these services are optional, with individual
6 managed care plans voluntarily opting in to provide them, leaving
7 many Medi-Cal beneficiaries without access to these critical
8 interventions.

9 (c) Medically supportive food and nutrition interventions have
10 the potential to transform our disease care system to a true health
11 care delivery system. By fully embracing food and nutritional
12 support as a critical and strategic investment in health outcomes
13 and health equity, California can lead the nation in tackling root
14 causes of health disparities and become the healthiest state in the
15 nation.

16 SEC. 2. Section 14134 is added to the Welfare and Institutions
17 Code, to read:

18 14134. For purposes of this section through Section 14134.12,
19 the following definitions apply:

20 (a) “Medically supportive food and nutrition intervention” means
21 any of the seven interventions listed in paragraphs (1) through (7)
22 of subdivision (b) that provide nutrient-rich whole food, including
23 any fruit, vegetable, legume, nut, seed, whole grain, low-mercury
24 and high-omega-3 fatty acid seafood, or lean animal protein, used
25 for the prevention, reversal, or treatment of certain health
26 conditions. Medically supportive food and nutrition interventions
27 are encouraged, but not required, to utilize, to the extent possible,
28 foods from small- to medium-sized farms, beginning farmers, or
29 farms owned or operated by socially disadvantaged producers, that
30 produce food using regenerative, organic, or other climate-smart
31 practices. Medically supportive food and nutrition interventions
32 are, to the extent possible, provided by community-based
33 organizations.

34 (b) (1) “Medically tailored meals” or “MTM” means meals that
35 adhere to standards informed by established nutrition guidelines
36 for specific health conditions, as available, and are tailored to a
37 recipient’s health conditions by a registered dietitian nutritionist
38 (RDN). For purposes of this paragraph, a provider of MTM offers
39 a qualified individual at least two medically tailored
40 home-delivered meals, or a portioned equivalent, each day that

1 meet at least two-thirds of the daily nutrient and energy needs of
2 a person from the primary population served, and offers the
3 qualified individual medical nutrition therapy that is provided by
4 an RDN.

5 (2) “Medically supportive meals” means meals that follow the
6 federal Dietary Guidelines for Americans and meet general health
7 recommendations.

8 (3) “Food pharmacy” means medically supportive food paired
9 with additional nutrition supports, typically in a health care setting.

10 (4) “Medically tailored groceries” or “MTG” means preselected
11 medically supportive food that adheres to standards informed by
12 established nutrition guidelines for specific health conditions, as
13 available, and is tailored to a recipient’s health conditions by an
14 RDN. For purposes of this paragraph, a provider of MTG offers
15 a qualified individual medically supportive food in sufficient
16 quantity to make at least two meals, or a portioned equivalent,
17 each day that meet at least two-thirds of the daily nutrient and
18 energy needs of a person from the primary population served, and
19 offers the qualified individual medical nutrition therapy that is
20 provided by an RDN.

21 (5) “Medically supportive groceries” means preselected
22 medically supportive food that follows the federal Dietary
23 Guidelines for Americans and meets general health
24 recommendations.

25 (6) “Produce prescription” means fruits and vegetables, procured
26 in retail settings, such as grocery stores or farmers’ markets, via
27 a financial mechanism.

28 (7) “Nutrition supports” includes nutrition education, cooking
29 education and tools, including equipment and materials, and health
30 coaching and behavioral supports based on a recipient’s medical
31 conditions, when paired with the interventions described in
32 paragraphs (1) through (6). Nutrition supports are provided in
33 either an individual or group setting.

34 SEC. 3. Section 14134.1 is added to the Welfare and
35 Institutions Code, to read:

36 14134.1. (a) Effective July 1, 2026, medically supportive food
37 and nutrition interventions, as defined in Section 14134, are
38 covered if those interventions are determined to be medically
39 necessary in treating a patient’s medical condition by a health care

1 provider or health care plan, subject to Section 14134.11 and
2 utilization controls.

3 (b) (1) Medi-Cal beneficiaries in the fee-for-service or managed
4 care delivery system shall be eligible for medically supportive
5 food and nutrition interventions, subject to this section and Section
6 14134.11. A Medi-Cal managed care plan shall offer at least three
7 of the interventions listed in paragraphs (1) through (6) of
8 subdivision (b) of Section 14134.

9 (2) In order to be covered under the Medi-Cal program, nutrition
10 supports, as defined in paragraph (7) of subdivision (b) of Section
11 14134, shall be paired with the provision of food through one of
12 the other offered interventions under paragraphs (1) through (6)
13 of subdivision (b) of Section 14134.

14 (3) Interventions shall be provided for 12 weeks, or longer if
15 deemed medically necessary.

16 (c) This section shall not be implemented until official guidance
17 is finalized by the department in consultation with the medically
18 supportive food and nutrition benefit stakeholder advisory
19 workgroup established pursuant to Section 14134.12.

20 (d) Notwithstanding Chapter 3.5 (commencing with Section
21 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
22 the department, without taking any further regulatory action, may
23 implement, interpret, or make specific this section by means of
24 all-county letters, plan letters, plan or provider bulletins, or similar
25 instructions until the time regulations are adopted.

26 (e) This section shall be implemented only to the extent that
27 any necessary federal approvals are obtained, and federal financial
28 participation is available and not otherwise jeopardized.

29 SEC. 4. Section 14134.11 is added to the Welfare and
30 Institutions Code, immediately following Section 14134.1, to read:

31 14134.11. (a) For purposes of coverage of medically supportive
32 food and nutrition interventions as described in Section 14134.1,
33 the department shall define the qualifying medical conditions for
34 those interventions, including chronic and other conditions that
35 evidence shows are sensitive to changes in diet. The department
36 shall consult with the medically supportive food and nutrition
37 benefit stakeholder advisory workgroup established pursuant to
38 Section 14134.12 in the development of these qualifying medical
39 conditions.

1 (b) A health care provider shall, to the extent possible, match
2 the acuity of a patient's condition to the intensity and duration of
3 the covered medically supportive food and nutrition intervention,
4 subject to the timeline restrictions under subdivision (b) of Section
5 14134.1. The health care provider shall, to the extent possible,
6 include culturally appropriate foods.

7 (c) Nutrition supports as described in paragraph (7) of
8 subdivision (b) of Section 14134 are encouraged to be included
9 with the interventions offered to the patient under subdivision (b),
10 but shall not count toward the minimum intervention requirements,
11 as described in subdivision (b) of Section 14134.1.

12 SEC. 5. Section 14134.12 is added to the Welfare and
13 Institutions Code, immediately following Section 14134.11, to
14 read:

15 14134.12. (a) For purposes of coverage of medically supportive
16 food and nutrition interventions as described in Section 14134.1,
17 the department shall, on or before July 1, 2025, establish a
18 medically supportive food and nutrition benefit stakeholder
19 advisory workgroup to advise the department in the development
20 of official guidance related to eligible populations, the duration
21 and dosage of those interventions, ratesetting, the determination
22 of permitted and preferred medically supportive food and nutrition
23 providers, value-based procurement and equitable sourcing of
24 food, and continuing education for health care providers and other
25 medically supportive food and nutrition providers.

26 (b) The workgroup shall represent both rural and urban
27 geographic regions and shall, at a minimum, consist of stakeholders
28 collectively representing all of the following:

29 (1) Each of the seven medically supportive food and nutrition
30 interventions described in Section 14134, with a different
31 stakeholder per intervention.

32 (2) Small- to medium-sized farms, beginning farmers, or farms
33 owned or operated by socially disadvantaged producers.

34 (3) Health care providers or associations that primarily serve
35 Medi-Cal beneficiaries.

36 (4) Medi-Cal consumer advocacy organizations.

37 (5) Researchers of medically supportive food.

38 (c) The workgroup shall meet quarterly, or more often as
39 necessary.

1 (d) (1) The department shall provide 30 calendar days for the
 2 workgroup convened pursuant to subdivision (a) to comment on
 3 guidance on the benefit design of the medically supportive food
 4 and nutrition interventions before finalizing draft guidance for
 5 public comment.

6 (2) The department shall provide an additional 60 calendar days
 7 for public comment on draft guidance before finalizing its official
 8 guidance.

9 (3) The department shall issue final guidance on or before July
 10 1, 2026.

11

12

13 **REVISIONS:**

14 **Heading—Line 2 and 3.**

15

AMENDED IN ASSEMBLY MARCH 7, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1986

Introduced by Assembly Member Bryan

January 30, 2024

An act to add Section 6150 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1986, as amended, Bryan. State prisons: banned books.

Existing law grants a person sentenced to imprisonment the right to purchase, receive, and read any and all newspapers, periodicals, and books, as specified, subject to restrictions reasonably related to legitimate penological interests. Existing law authorizes the Department of Corrections and Rehabilitation to prescribe and amend rules and regulations for the administration of state prisons, including determining which materials are a threat to legitimate penological interests. Existing law creates the Office of the Inspector General and grants the Inspector General responsibility for oversight of the department, as specified.

This bill would require the Inspector General to post the ~~list of materials that have been banned~~ *Centralized List of Disapproved Publications maintained* by the department on the office's internet website. The bill would authorize the Inspector ~~General~~ *General, upon request*, to review ~~materials~~ *publications on the list* to determine whether there is a legitimate penological interest for *the publication* being on the ~~banned materials list~~, *list* and, if not, would ~~authorize the Inspector General to require the department to remove that material from the department's banned materials list.~~ *list of disapproved publications.*

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 6150 is added to the Penal Code, to read:
 2 6150. (a) (1) The Office of the Inspector General shall post
 3 ~~the list of banned materials~~ *Centralized List of Disapproved*
 4 *Publications* maintained by the Department of Corrections and
 5 Rehabilitation on its internet website.
 6 (2) ~~The list~~ *Centralized List of Disapproved Publications* shall
 7 include, but not be limited to, all of the following information
 8 ~~about the banned material:~~ *each prohibited publication on the list:*
 9 (A) The title.
 10 (B) The author.
 11 (C) The publisher.
 12 (D) The year of publication.
 13 (E) The stated legitimate penological interest for banning the
 14 ~~material:~~ *publication.*
 15 ~~(b) (1) The Inspector General may review material on the~~
 16 ~~banned materials list to determine if the reason for banning the~~
 17 ~~material is reasonably related to a legitimate penological interest.~~
 18 ~~(2) If the Inspector General determines that there is not sufficient~~
 19 ~~justification for banning the material, the Inspector General may~~
 20 ~~require that the department remove the material from the list of~~
 21 ~~banned materials.~~
 22 ~~(b) (1) Upon a request by an incarcerated person, publisher,~~
 23 ~~or other affected person, the Inspector General may review a~~
 24 ~~publication on the Centralized List of Disapproved Publications~~
 25 ~~to determine if the reason for prohibiting the publication is~~
 26 ~~reasonably related to a legitimate penological interest.~~
 27 ~~(2) If the Inspector General determines that the department's~~
 28 ~~reason for including a publication on the Centralized List of~~
 29 ~~Disapproved Publications is not reasonably related to a legitimate~~
 30 ~~penological interest, the department shall remove the publication~~
 31 ~~from the Centralized List of Disapproved Publications.~~
 32 (c) For purposes of this section, ~~“material”~~ *“publication”* means
 33 any newspaper, periodical, magazine, or book that can be mailed
 34 through the United States Postal Service.

O

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2064

Introduced by Assembly Member Jones-Sawyer

February 1, 2024

An act ~~relating to state government.~~ *to add Chapter 9 (commencing with Section 8270) to Division 8 of the Welfare and Institutions Code, relating to youth, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2064, as amended, Jones-Sawyer. ~~Racial equity: violence prevention.~~ *Community Violence Interdiction Grant Program.*

Existing law establishes the California Violence Intervention and Prevention Grant Program, administered by the Board of State and Community Corrections, to award competitive grants for the purpose of violence intervention and prevention. Existing law establishes the Youth Reinvestment Grant Program within the Board of State and Community Corrections to grant funds, upon appropriation, to local jurisdictions and Indian tribes for the purpose of implementing trauma-informed diversion programs for minors, as specified.

Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils and authorizes the governing board of a school district to employ properly certified persons for the work. Existing law requires a school of a school district or county office of education and a charter school to notify pupils and parents or guardians of pupils no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both, as provided. Existing law requires the State Department of Public Health, in cooperation

with the State Department of Education, to establish a Public School Health Center Support Program, upon appropriation by the Legislature, to assist school health centers, which are defined as centers or programs, located at or near local educational agencies, that provide age-appropriate health care services at the program site or through referrals, as specified.

This bill would create the Community Violence Interdiction Grant Program to be administered by the California Health and Human Services Agency to provide funding to local community programs for community-driven solutions to decrease violence in neighborhoods and schools. The bill would specify the types of programs the grant funds may be used for, including, but not limited to, programs that create and enhance recreation- and health-based interventions for youth during peak times of violence and the creation and operation of school-based health centers. The bill would require the agency to develop an application process and criteria for funding and would require the agency to administer the grant program, as specified. The bill would require, beginning July 31, 2025, and annually thereafter, the Director of Finance and the Legislative Analyst's Office to calculate the savings to the state from the closure of state prisons, as specified, and would require the Director of Finance to certify the results of the calculation to the Controller no later than August 1 of each fiscal year. The bill would create the Community Violence Interdiction Grant Fund as a continuously appropriated fund and would require that the Controller, before August 15, 2025, and annually thereafter, transfer from the General Fund to the Community Violence Interdiction Grant Fund the total amount of savings from the closure of state prisons so calculated. By continuously appropriating these funds, the bill would make an appropriation.

~~Existing law establishes, until January 1, 2030, the Racial Equity Commission within the Office of Planning and Research and requires the commission to develop resources, best practices, and tools for advancing racial equity by, among other things, developing a statewide Racial Equity Framework that includes methodologies and tools that can be employed to advance racial equity and address structural racism in California.~~

~~This bill would make related findings and declarations. The bill would declare the intent of the Legislature to subsequently amend this bill to include provisions that would establish and fund a grant program to support community-driven solutions to decrease community violence~~

1 organizations that serve the residents of those cities and local
2 jurisdictions.

3 (c) In implementing the grant program, the agency shall work
4 with relevant stakeholders to promote and implement the grant
5 program in a manner that effectively reaches a wide geography
6 throughout the state and ensures that regions most impacted by
7 violence and gang involvement are adequately considered with an
8 emphasis on addressing the violence prevention and gang
9 deterrence needs within these regions.

10 (d) Applicants seeking grant funding to implement
11 evidenced-based interventions for pupils impacted by trauma shall
12 demonstrate how they will prioritize interventions for pupils most
13 impacted by trauma and typically unable to access traditional
14 services, including, but not limited to, pupils who are low income
15 or homeless, display symptoms of post-traumatic stress disorder
16 or severe trauma-related symptoms, members of immigrant and
17 refugee groups, pupils with exceptional needs, and pupils who
18 interact with child protective systems or who have had contact
19 with the juvenile justice system.

20 8272. (a) The Community Violence Interdiction Grant Fund
21 is hereby created within the State Treasury and, notwithstanding
22 Section 13340 of the Government Code, moneys in the fund are
23 continuously appropriated without regard to fiscal year for
24 carrying out the purposes of this chapter.

25 (b) On or before July 31, 2025, and each fiscal year thereafter,
26 the Director of Finance and the Legislative Analyst's Office shall
27 calculate the savings that accrued to the state from the closure of
28 state prisons during the preceding fiscal year. In making the
29 calculation required by this subdivision, the Director of Finance
30 and the Legislative Analyst's Office shall use actual data or best
31 available estimates where actual data is not available.

32 (c) The Director of Finance shall calculate the average of the
33 two calculations made pursuant to subdivision (b). The calculation
34 shall be final and shall not be adjusted for any subsequent changes
35 in the underlying data. The Director of Finance shall certify the
36 results of the calculation to the Controller no later than August 1
37 of each fiscal year.

38 (d) Before August 15, 2025, and before August 15 of each fiscal
39 year thereafter, the Controller shall transfer from the General

1 *Fund to the Community Violence Interdiction Grant Fund the total*
2 *amount calculated pursuant to subdivision (c).*

3 SECTION 1. (a) ~~The Legislature finds and declares all of the~~
4 ~~following:~~

5 (1) ~~According to the final report released by the California Task~~
6 ~~Force to Study and Develop Reparation Proposals for African~~
7 ~~Americans (the California Reparations Report), racial terror, and~~
8 ~~lynchings in particular, pervaded every aspect of pre- and~~
9 ~~post-enslavement African American life, and the threat and legacy~~
10 ~~of terror continue to haunt African American communities.~~

11 (2) ~~The racial terror inflicted on the African American~~
12 ~~community has influenced the use of violence within the~~
13 ~~community, and as a result, African Americans experience violence~~
14 ~~at the family, school, and community levels. Although rates of~~
15 ~~violent crime have declined significantly, African American~~
16 ~~communities are disproportionately affected by it.~~

17 (3) ~~Limited resources and concentrated disadvantage influence~~
18 ~~the rate of violence within a neighborhood. “Concentrated~~
19 ~~disadvantage” is a sociological term used to describe~~
20 ~~neighborhoods or communities with high percentages of residents~~
21 ~~who are poor and lacking in critical resources, including, but not~~
22 ~~limited to, access to quality healthcare and education.~~

23 (4) ~~Investing in programs that increase inclusion and belonging~~
24 ~~within the community, support education, help residents acquire~~
25 ~~skills, and increase access to jobs can reduce violent crime within~~
26 ~~neighborhoods.~~

27 (5) ~~The California Reparations Report recommends that the~~
28 ~~Legislature establish a grant program to address violence in African~~
29 ~~American communities and in communities where there is a~~
30 ~~significant African American population, and prioritize funding~~
31 ~~for youth empowerment, mental health support services,~~
32 ~~rehabilitation of structures and public spaces, and other programs~~
33 ~~for violence prevention and early intervention.~~

34 (b) ~~It is the intent of the Legislature to subsequently amend this~~
35 ~~measure to include provisions that would establish and fund a grant~~
36 ~~program to support community-driven solutions to decrease~~
37 ~~community violence at the family, school, and neighborhood levels~~
38 ~~in African American communities.~~

O

ASSEMBLY BILL

No. 2862

Introduced by Assembly Member Gipson

February 15, 2024

An act to add Division 1.1 (commencing with Section 473) to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2862, as introduced, Gipson. Licenses: African American applicants.

Existing law prescribes requirements for licensure and regulation of various businesses and professions, including healing arts and real estate businesses and professions, by various boards, bureaus, commissions, committees, and departments.

This bill would require boards to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would define various terms for these purposes.

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. Division 1.1 (commencing with Section 473) is
2 added to the Business and Professions Code, to read:

3
4 DIVISION 1.1. PRIORITIZATION OF LICENSES

5
6 473. (a) For purposes of this division:

1 (1) “Board” includes “bureau,” “commission,” “committee,”
2 “department,” “division,” “examining committee,” “program,”
3 and “agency.”

4 (2) “License” includes certificate, registration, or other means
5 to engage in a business or profession regulated by this code.

6 (b) Notwithstanding any other law, a board shall prioritize
7 African American applicants seeking licenses, especially applicants
8 who are descended from a person enslaved in the United States.

AMENDED IN ASSEMBLY APRIL 2, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3089

Introduced by Assembly Members Jones-Sawyer, Bonta, Bryan, Gipson, Holden, Jackson, McCarty, McKinnor, Weber, and Wilson

(Principal coauthors: Senators Bradford and Smallwood-Cuevas)

(Coauthor: Assembly Member Kalra)

February 16, 2024

An act to add Chapter 4.5 (commencing with Section 8301) to Division 1 of Title 2 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 3089, as amended, Jones-Sawyer. Chattel slavery: formal apology.

Previously existing law established, until July 1, 2023, the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States. Previously existing law required the Task Force to, among other things, identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies that became the United States, as specified, and to recommend appropriate remedies in consideration of the Task Force's findings, as specified. Previously existing law required the Task Force to submit a written report of its findings and recommendations to the Legislature, as specified.

This bill would provide that the State of California recognizes and accepts responsibility for all of the harms and atrocities committed by

the state, its representatives thereof, and entities under its jurisdiction who promoted, facilitated, enforced, and permitted the institution of chattel slavery and the enduring legacy of ongoing badges and incidents from which the systemic structures of discrimination have come to exist. The bill would further provide that the State of California ~~accepts this responsibility with a formal apology for the harms perpetrated by the state, and orders this apology to be memorialized in the form of a proclamation~~ *apologize for perpetuating the harms African Americans have faced and affirms its role in protecting the descendants of enslaved people and all Black Californians. The bill would require a plaque memorializing this apology to be publicly and conspicuously displayed permanently installed and maintained in the California State Capitol building- Building.*

The bill would require the Legislature to prepare the formal apology ~~proclamation, which would~~ *and would request it* be signed by specified state leaders. Additionally, the bill would require the Secretary of State to submit a final copy of this formal apology ~~proclamation~~ to the State Archives, where it would be available for viewing by the general public in perpetuity. The bill would include related legislative findings.

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. Chapter 4.5 (commencing with Section 8301) is
2 added to Division 1 of Title 2 of the Government Code, to read:

3
4 CHAPTER 4.5. APOLOGY ACT FOR THE PERPETRATION OF GROSS
5 HUMAN RIGHTS VIOLATIONS AND CRIMES AGAINST HUMANITY,
6 WITH SPECIAL CONSIDERATION FOR AFRICAN SLAVES AND THEIR
7 DESCENDANTS

8
9 Article 1. Findings and Declarations

10
11 8301. This chapter shall be known, and may be cited, as the
12 “Apology Act for the Perpetration of Gross Human Rights
13 Violations and Crimes Against Humanity, with special
14 consideration for African Slaves and their Descendants.”

15 8301.1. (a) The Legislature finds and declares all of the
16 following:

1 (1) In 2020, the people of California established the Task Force
2 to Study and Develop Reparation Proposals for African Americans,
3 with a Special Consideration for African Americans Who are
4 Descendants of Persons Enslaved in the United States (Task Force)
5 and required the Task Force to address, among other things, how
6 the State of California will offer a formal apology on behalf of the
7 people of California for the perpetration of gross human rights
8 violations and crimes against humanity on African slaves and their
9 descendants, and how California laws and policies that continue
10 to disproportionately and negatively affect African Americans as
11 a group and perpetuate the lingering material and psychosocial
12 effects of slavery can be eliminated.

13 (2) Based on the Task Force’s evidentiary findings and
14 recommendations outlined in the report to the Legislature as
15 required by the statute, the people of the State of California hereby
16 acknowledge being a beneficiary of the forced enslavement of
17 African slaves brought to California and continuing the
18 subordination of Black Californians.

19 (3) Well after California entered the Union and declared itself
20 a free state outlawing slavery, more than 2,000 enslaved African
21 people were brought to California from 1850 to 1860.

22 (4) The California Supreme Court enforced fugitive slave laws
23 until 1865, stating that the antislavery law in the California
24 Constitution was merely a “declaration of a principle.”

25 (5) Throughout the state’s history, California’s executive,
26 judicial, and legislative branches continuously denied African
27 slaves and their descendants basic humanity and fundamental
28 liberties from before the Civil War to the present.

29 (6) Moreover, California’s cities, counties, special districts,
30 joint powers authorities, and other quasi-governmental entities
31 exerted demonstrable undue pressure upon African slaves and
32 Black Californians throughout the territory.

33 (7) California industries benefited from ill-gotten gains based
34 on chattel slavery in the form of agricultural and other industrial
35 production. The State of California should consider reviewing
36 these gains in order to potentially fund reparatory efforts.

37 (8) California courts prevented Black citizens from testifying
38 in legal proceedings against a white person, and California’s
39 Legislature vehemently opposed Congressional civil rights laws
40 and delayed ratification of the Fourteenth and Fifteenth

1 Amendments to the United States Constitution, hindering Black
 2 Americans the right to citizenship, due process under the law, and
 3 right to vote.

4 (9) California further disenfranchised Black Californians by
 5 enacting deliberate racial barriers such as poll taxes and literacy
 6 tests, prohibiting interracial marriage, and passing
 7 antimiscegenation laws in its first legislative session in 1850.

8 (10) California constructed monuments, memorials, markers,
 9 and plaques to preserve and memorialize Confederate principles,
 10 glorifying subjugation, slavery, and white supremacy.

11 (11) From the brutality of enslavement to modern-day police
 12 killings, state-sanctioned violence at all levels of government, such
 13 as lynching, coercive sterilization, torture, and property destruction
 14 inflicted death, physical injury, and psychological harm on Black
 15 Californians.

16 (12) California openly sanctioned widespread segregation and
 17 discrimination against African Americans in workplaces,
 18 educational facilities, and public spaces, and enacted predatory
 19 licensing laws, fire and safety codes, and antinuisance laws to
 20 disrupt African American businesses and patrons.

21 (13) Discriminatory housing policies, including redlining,
 22 residential zoning ordinances, and loan practices, produced
 23 persistent housing segregation and longstanding inequities in home
 24 ownership for Black Californians.

25 (14) State and local governments targeted property owned by
 26 African Americans for renewal and development projects
 27 employing unjust uses of eminent domain, often without providing
 28 just compensation, yet those same authorities enacted and enforced
 29 laws that historically excluded African Americans from outdoor
 30 recreation, public transit, and other public infrastructure.

31 (15) The eugenics movement thrived in California and thousands
 32 of African Americans were forcibly sterilized or were the subjects
 33 of medical experiments without valid consent.

34 (b) According to the United Nations Principles on Reparation,
 35 an apology, when combined with material forms of reparations,
 36 provides an opportunity for communal reckoning with the past
 37 and repair for moral, physical, and dignitary harms.

1 Article 2. Recognition and Acceptance of Responsibility for
2 Harms and Atrocities Committed: Formal Apology Proclamation

3
4 8301.2. (a) The State of California recognizes and accepts
5 responsibility for all of the harms and atrocities committed by the
6 state, its representatives thereof, and entities under its jurisdiction
7 who promoted, facilitated, enforced, and permitted the institution
8 of chattel slavery and the enduring legacy of ongoing badges and
9 incidents from which the systemic structures of discrimination
10 have come to exist.

11 ~~(b) The State of California accepts this responsibility with a~~
12 ~~formal apology for the harms perpetrated by the state, and hereby~~
13 ~~orders this apology to be memorialized in the form of a~~
14 ~~proclamation to be publicly and conspicuously displayed~~
15 ~~permanently in the California State Capitol building.~~

16 ~~(c) The Legislature shall prepare the formal apology~~
17 ~~proclamation, which shall bear the Great Seal of this State and be~~
18 ~~signed by the Speaker of the Assembly, the President pro Tempore~~
19 ~~of the Senate, the Governor, and the Chief Justice of the California~~
20 ~~Supreme Court.~~

21 *(b) The State of California apologizes for perpetuating the harms*
22 *African Americans faced by having imbued racial prejudice*
23 *through segregation, public and private discrimination, and*
24 *unequal disbursal of state and federal funding and declares that*
25 *such actions shall not be repeated. The State of California*
26 *acknowledges the work of the Task Force to Study and Develop*
27 *Reparation Proposals for African Americans, with a Special*
28 *Consideration for African Americans Who are Descendants of*
29 *Persons Enslaved in the United States. This task force, established*
30 *by Assembly Bill 3121 (2020), detailed the harms faced by African*
31 *Americans in California and provided numerous legislative*
32 *recommendations, including this formal apology. The State of*
33 *California affirms its role in protecting the descendants of enslaved*
34 *people and all Black Californians as well as their civil, political,*
35 *and socio-cultural rights. California acknowledges and affirms*
36 *its responsibility to end ongoing harm. The State of California*
37 *commits to restore and repair affected peoples with actions beyond*
38 *this apology.*

39 *(c) A plaque memorializing this apology, including the contents*
40 *of Section 8301.1 and subdivisions (a) and (b) of this section, shall*

1 *be installed and maintained by the Department of Parks and*
 2 *Recreation publicly and conspicuously in the State Capitol*
 3 *Building.*

4 (d) The Secretary of State shall submit a final copy of this formal
 5 apology ~~proclamation~~ to the State Archives, where it shall be
 6 available for viewing by the general public in perpetuity. *The*
 7 *Legislature shall prepare the formal apology, which shall bear*
 8 *the Great Seal of the state and requests that this apology be signed*
 9 *by the Speaker of the Assembly, the President pro Tempore of the*
 10 *Senate, the Governor, and the Chief Justice of the California*
 11 *Supreme Court.*

12 ~~8301.3. The formal apology proclamation pursuant to Section~~
 13 ~~8301.2 shall contain the following written components:~~

14 (a) ~~The written findings of all of the harms and atrocities~~
 15 ~~committed, as set forth in Section 8301.1.~~

16 (b) ~~The written acknowledgement and acceptance of~~
 17 ~~responsibility for past harms, as set forth in subdivisions (a) and~~
 18 ~~(b) of Section 8301.2.~~

19 (c) ~~Inclusion of the following statement in its entirety:~~

20 ~~“The State of California apologizes for perpetuating the harms~~
 21 ~~African Americans faced by having imbued racial prejudice~~
 22 ~~through segregation, public and private discrimination, and unequal~~
 23 ~~disbursal of state and federal funding and declares that such actions~~
 24 ~~shall not be repeated. The State of California acknowledges the~~
 25 ~~work of the Task Force to Study and Develop Reparation Proposals~~
 26 ~~for African Americans, with a Special Consideration for African~~
 27 ~~Americans Who are Descendants of Persons Enslaved in the United~~
 28 ~~States. This task force, established by Assembly Bill 3121 (2020),~~
 29 ~~detailed the harms faced by African Americans in California and~~
 30 ~~provided numerous legislative recommendations, including this~~
 31 ~~formal apology. The State of California affirms its role in~~
 32 ~~protecting the descendants of enslaved people and all Black~~
 33 ~~Californians as well as their civil, political, and socio-cultural~~
 34 ~~rights. California acknowledges and affirms its responsibility to~~
 35 ~~end ongoing harm. The State of California commits to restore and~~
 36 ~~repair affected peoples with actions beyond this apology.”~~

- 1
- 2 **REVISIONS:**
- 3 **Heading—Line 5.**
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AMENDED IN ASSEMBLY APRIL 15, 2024

AMENDED IN ASSEMBLY APRIL 1, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3131

Introduced by Assembly Member McCarty

February 16, 2024

An act to amend Sections 53075 and 88830 of the Education Code, relating to career technical education.

LEGISLATIVE COUNSEL'S DIGEST

AB 3131, as amended, McCarty. California Career Technical Education Incentive Grant Program: Strong Workforce Program: ~~positive consideration for applicants in~~ *equity multiplier*: historically redlined communities.

Existing law establishes the California Career Technical Education Incentive Grant Program, administered by the State Department of Education, with the purpose of encouraging, maintaining, and strengthening the delivery of high-quality career technical education programs. Existing law provides, for the 2021–22 fiscal year and each fiscal year thereafter, that \$300,000,000 shall be available to the department, upon appropriation by the Legislature, for the program.

Existing law, commencing with the 2023–24 fiscal year, appropriates \$300,000,000 each fiscal year from the General Fund to the Superintendent of Public Instruction for allocation for the Local Control Funding Formula Equity Multiplier apportionment, as provided. Existing law requires the funding to be allocated to eligible local educational agencies that generate a specified local control funding

formula entitlement based on, among other things, the percentage of unduplicated pupils served.

Existing law establishes the Strong Workforce Program to provide funding to career technical education regional consortia made up of community college districts and local educational agencies, as specified. Existing law also establishes a K–12 component of the Strong Workforce Program. Existing law provides that, commencing with the 2018–19 fiscal year, the amount appropriated in the annual Budget Act for the K–12 component of the program is used to create, support, or expand high-quality career technical education programs at the K–12 level that are aligned with the workforce development efforts occurring through the program. Existing law requires each consortium to form a K–12 Selection Committee, as specified, for purposes of awarding grants under the K–12 component of the program.

Existing law, for both the California Career Technical Education Incentive Grant Program and the K–12 component of the Strong Workforce Program, requires that applicants with certain characteristics be given positive consideration, as specified.

This bill would require the department, in consultation with the executive director of the State Board of Education, when determining grant recipients for the California Career Technical Education Incentive Grant Program, ~~and to additionally give positive consideration to applicants that include local educational agencies that qualify for the above-described Local Control Funding Formula Equity Multiplier apportionment, as provided.~~ *The bill would also require the K–12 Selection Committees, when determining grant recipients under the K–12 component of the Strong Workforce Program, to additionally give positive consideration to applicants located in historically redlined communities, as determined by the department.*

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 53075 of the Education Code is amended
- 2 to read:
- 3 53075. (a) When determining proposed grant recipients, the
- 4 department, in consultation with the executive director of the state
- 5 board, shall do both of the following:

- 1 (1) Give positive consideration to each of the following
2 characteristics in an applicant:
- 3 (A) Serving unduplicated pupils, as defined in Section 42238.02.
 - 4 (B) Serving pupil subgroups that have higher than average
5 dropout rates as identified by the Superintendent.
 - 6 (C) Located in an area of the state with a high unemployment
7 rate.
 - 8 (D) Offer an existing high-quality regional-based career
9 technical education program as a joint powers agency or county
10 office of education.
 - 11 ~~(E) Located in a historically redlined community, as determined~~
12 ~~by the department.~~
 - 13 *(E) The applicant is, or includes, a local educational agency*
14 *receiving Local Control Funding Formula Equity Multiplier*
15 *funding pursuant to Section 42238.024, as identified through the*
16 *stability rate data file produced by the department in the prior*
17 *fiscal year.*
- 18 (2) Give positive consideration to programs to the extent they
19 do any of the following:
- 20 (A) Successfully leverage one or both of the following:
 - 21 (i) Existing structures, requirements, and resources of the federal
22 Strengthening Career and Technical Education for the 21st Century
23 Act (Perkins V) (Public Law 115-224), California Partnership
24 Academies, or Agricultural Career Technical Education Incentive
25 Grants.
 - 26 (ii) Contributions from industry, labor, and philanthropic
27 sources.
 - 28 (B) Engage in regional collaboration with postsecondary
29 educational institutions, including the Strong Workforce Program
30 consortium operating in their respective geographic areas, or other
31 local educational agencies to align career pathway instruction with
32 postsecondary program requirements. This shall include, but not
33 be limited to, pathway programs provided under an adopted College
34 and Career Access Pathways partnership agreement pursuant to
35 Section 76004.
 - 36 (C) Make significant investment in career technical education
37 infrastructure, equipment, and facilities.
 - 38 (D) Operate within rural school districts.
 - 39 (b) When determining grant recipients, the department, in
40 consultation with the executive director of the state board, shall

1 give greatest weight to the applicant characteristics included in
2 paragraph (1) of subdivision (a).

3 (c) Grant recipients are encouraged to use funds provided for
4 in subdivision (d) of Section 53070 to create high school programs
5 that provide career-themed coursework with articulated pathways
6 to postsecondary education, including programs established through
7 a College and Career Access Pathways partnership agreement
8 pursuant to Section 76004, and to develop pathway programs that
9 lead into careers that are in high demand in the state.

10 SEC. 2. Section 88830 of the Education Code is amended to
11 read:

12 88830. (a) When determining grant recipients under the K–12
13 component of the Strong Workforce Program, the K–12 Selection
14 Committee shall consider past performance of grantees before
15 awarding additional funds to those reapplying for grants.

16 (b) (1) The K–12 Selection Committee shall give positive
17 consideration to each of the following characteristics in an
18 applicant:

19 (A) Aligned programs serving unduplicated pupils, as defined
20 in Section 42238.02.

21 (B) Programs that the K–12 Selection Committee, in
22 consultation with the consortium, determines most effectively meet
23 the needs of the local and regional economies.

24 (C) Programs serving pupil subgroups that have higher than
25 average dropout rates as identified by the Superintendent of Public
26 Instruction.

27 (D) Programs located in an area of the state with a high
28 unemployment rate.

29 (E) Programs located in a historically redlined community, as
30 determined by the department.

31 (2) When determining grant recipients, the K–12 Selection
32 Committee shall give greatest weight to the applicant characteristics
33 included in this subdivision.

34 (c) The K–12 Selection Committee shall also give positive
35 consideration to programs to the extent they do any of the
36 following:

37 (1) Successfully leverage one or both of the following:

38 (A) Existing structures, requirements, and resources of the
39 federal Strengthening Career and Technical Education for the 21st
40 Century Act (Perkins V) (Public Law 115-224), the partnership

1 academies program pursuant to Article 5 (commencing with
2 Section 54690) of Chapter 9 of Part 29 of Division 4 of Title 2, or
3 the agricultural career technical education incentive program
4 pursuant to Article 7.5 (commencing with Section 52460) of
5 Chapter 9 of Part 28 of Division 4 of Title 2.

6 (B) Contributions from industry, labor, and philanthropic
7 sources.

8 (2) Make significant investments in career technical education
9 infrastructure, equipment, and facilities.

10 (3) Operate within rural school districts.

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AMENDED IN SENATE APRIL 3, 2024

SENATE BILL

No. 1050

Introduced by Senator Bradford
(Coauthor: Senator Smallwood-Cuevas)
(Coauthor: Assembly Member Jackson)

February 7, 2024

An act to add Chapter 4 (commencing with Section 16005) to Part 14 of Division 3 of Title 2 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1050, as amended, Bradford. California American Freedmen Affairs Agency: racially motivated eminent domain.

Existing law establishes, until January 1, 2030, the Racial Equity Commission within the Office of Planning and Research and requires the commission to develop resources, best practices, and tools for advancing racial equity by, among other things, developing a statewide Racial Equity Framework that includes methodologies and tools that can be employed to advance racial equity and address structural racism in California.

This bill would require the Office of ~~the Chief Financial Officer,~~ *Legal Affairs*, which would be established within the California American Freedmen Affairs Agency as provided by SB-~~490~~ *1403* of the 2023–24 Regular Session, to, upon appropriation by the Legislature, ~~create and update a database of people who have had property taken from them by the state without just compensation as a result of racially motivated eminent domain, as provided. review, investigate, and make certain determinations regarding applications for compensation from persons who claim they are the rightful owner, as defined, of property~~

taken as a result of racially motivated eminent domain. The bill would define “racially motivated eminent domain” to mean when the state, county, city, city and county, district, or other political subdivision of the state acquires private property for public use and does not distribute just compensation to the owner at the time of the taking due to racist or discriminatory motives. The bill would authorize the Office of the Chief Financial Officer to distribute just compensation to a person identified in that database for the present-day fair market value of the property that was taken from them by the state as result of racially motivated eminent domain, if the Chief Financial Officer determines that issuing just compensation to that person would serve to redress past acts of racial discrimination, prevent future acts of racial discrimination, and benefit the whole of the community and its general welfare: taking, and the taking, or the failure to provide just compensation, was due, in whole or in part, to the owner’s ethnicity or race. Upon a determination that just compensation is warranted, as provided, the bill would require the Office of Legal Affairs to certify that the rightful owner is entitled to specified compensation from the Fund for Reparations and Restorative Justice, which would be established as provided by SB 1331 of the 2023–24 Regular Session. Upon a determination that an applicant is not a rightful owner or just compensation is not warranted, the bill would require the Office of Legal Affairs to notify the applicant of its finding and provide an appeal process, as specified. The bill would make every finding, decision, determination, or other official act of the California American Freedmen Affairs Agency subject to judicial review.

This bill would also require the Office of Strategic Communications and Media Affairs, which would be established within the California American Freedmen Affairs Agency as provided by SB-490 1403 of the 2023–24 Regular Session, to develop and implement a public education campaign regarding discriminatory housing and urban planning practices by the state, as specified.

This bill would make *related findings and declarations declarations, including those* related to a gift of public funds.

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. Chapter 4 (commencing with Section 16005) is
2 added to Part 14 of Division 3 of Title 2 of the Government Code,
3 to read:

4
5 CHAPTER 4. RESTITUTION FOR RACE-BASED EMINENT DOMAIN
6

7 *16005. (a) The Legislature finds and declares that it is in the*
8 *public interest to compensate victims of racially motivated eminent*
9 *domain, which deprived persons of just compensation for their*
10 *property due to racially discriminatory motives. The unjust taking*
11 *of land without fair compensation destroyed communities, forced*
12 *many from their historical neighborhoods, deprived those persons*
13 *of the fair value of their property, and, in many cases, prevented*
14 *the accumulation of generational wealth. Providing compensation*
15 *to these victims of racial discrimination will restore the value of*
16 *wrongfully taken property to rightful owners and hold government*
17 *entities responsible for those wrongful discriminatory acts.*

18 *(b) This chapter shall govern the procedure by which rightful*
19 *owners and their descendants may seek a determination that they*
20 *were the victims of racially motivated eminent domain and obtain*
21 *a referral to the Fund for Reparations and Restorative Justice for*
22 *compensation.*

23 ~~16005.~~

24 *16006. (a) For purposes of this section, the following*
25 *definitions apply:*

26 (1) "Racially motivated eminent domain" means when the *state,*
27 *county, city, city and county, district, or other political subdivision*
28 *of the state acquires private property for public use and does not*
29 *distribute just compensation to the owner at the time of the taking*
30 ~~*due to racist or discriminatory motives. taking, and the taking, or*~~
31 *the failure to provide just compensation, was due, in whole or in*
32 *part, to the owner's ethnicity or race.*

33 (2) "Rightful owner" means a person who has had property
34 taken from them by the *state, county, city, city and county, district,*
35 *or other political subdivision of the state without just compensation*
36 *as a result of racially motivated eminent domain. domain, or a*
37 *direct descendant of the person whose property was taken.*

1 (b) Upon appropriation by the Legislature, the Office of the
2 Chief Financial Officer *Legal Affairs* within the California
3 American Freedmen Affairs Agency shall do all of the following:

4 ~~(1) Research and document state properties acquired as a result
5 of racially motivated eminent domain, and document the person
6 who owned that property when it was acquired by the state.~~

7 *(1) Accept applications for compensation from persons who
8 claim they are the rightful owner of property taken as a result of
9 racially motivated eminent domain.*

10 ~~(2) (A) Review and investigate public complaints from people
11 who claim their property was taken without just compensation as
12 a result of racially motivated eminent domain. applications
13 submitted under paragraph (1).~~

14 ~~(3) By January 1, 2026, create a database, to be updated annually
15 thereafter, of rightful owners identified pursuant to paragraph (1)
16 and confirmed to have been the victim of racially motivated
17 eminent domain after investigation pursuant to paragraph (2).~~

18 *(B) As part of its review, the Office of Legal Affairs may request
19 submission of additional information supporting the application
20 that is reasonably necessary to verify the application, determine
21 whether the applicant is a rightful owner, and determine whether
22 the taking was racially motivated. If the office makes a request for
23 additional documentation, it shall communicate that request to
24 the applicant with a notice of the additional information required.
25 The office shall consider any additional information provided by
26 the applicant within 30 days of the receipt of the notice.*

27 ~~(3) After reviewing all of the relevant materials, determine
28 whether the applicant is a rightful owner of property taken through
29 racially motivated eminent domain.~~

30 ~~(e) (1) Subject to paragraph (2), the Office of the Chief
31 Financial Officer may distribute, upon appropriation by the
32 Legislature, just compensation to a rightful owner identified in the
33 database created pursuant to paragraph (3) of subdivision (b) for
34 the~~

35 *(4) (A) If the Office of Legal Affairs determines that an
36 applicant has established that they are a rightful owner under
37 paragraph (3), the office shall determine:*

38 *(i) The present-day fair market value of the property that was
39 taken from them by the state, county, city, city and county, district,*

1 *or other political subdivision of the state as a result of racially*
2 *motivated eminent domain.*

3 ~~(2) Just compensation shall be distributed only upon a~~
4 ~~determination by the Chief Financial Officer that~~

5 *(ii) Whether issuing just compensation to that rightful owner*
6 *would serve to redress past acts of racial discrimination, prevent*
7 *future acts of racial discrimination, and benefit the whole of the*
8 *community and its general welfare.*

9 *(B) If the Office of Legal Affairs determines that providing just*
10 *compensation is warranted under clause (ii) of subparagraph (A),*
11 *the Office of Legal Affairs shall certify that the rightful owner is*
12 *entitled to compensation from the Fund for Reparations and*
13 *Restorative Justice in the amount of the fair market value of the*
14 *property, as determined pursuant to clause (i) of subparagraph*
15 *(A), minus the amount paid at the time of the taking, adjusted for*
16 *inflation.*

17 *(5) If the Office of Legal Affairs determines that an applicant*
18 *is not a rightful owner or that just compensation is not warranted,*
19 *the office shall notify the applicant of its finding. The applicant*
20 *may appeal the determination within 60 days of receiving the notice*
21 *and provide additional information to support their claim. The*
22 *office shall consider the appeal and any new information provided*
23 *and issue a determination on the appeal within 120 days.*

24 *(c) Every finding, decision, determination, or other official act*
25 *of the California American Freedmen Affairs Agency is subject to*
26 *judicial review in accordance with law.*

27 ~~16006.~~

28 *16007. The Office of Strategic Communications and Media*
29 *Affairs within the California American Freedmen Affairs Agency*
30 *shall develop and implement a public education campaign*
31 *regarding the cycle of gentrification, displacement, and exclusion,*
32 *the connection between redlining and gentrification, and the history*
33 *of discriminatory urban planning in the state.*

34 **SEC. 2.** *The Legislature finds and declares that the addition of*
35 *Chapter 4 (commencing with Section 16005) to Part 14 of Division*
36 *3 of Title 2 of the Government Code by this act serves a public*
37 *purpose and does not constitute a gift of public funds within the*
38 *meaning of Section 6 of Article XVI of the California Constitution*
39 *by redressing past acts of racial discrimination, preventing future*

- 1 acts of racial discrimination, and benefitting the whole of the
- 2 community and its general welfare.

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AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1089

Introduced by Senator Smallwood-Cuevas

February 12, 2024

~~An act relating to food injustice.~~ *An act to add Chapter 41 (commencing with Section 22949.90) to Division 8 of the Business and Professions Code, relating to food and prescription access.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1089, as amended, Smallwood-Cuevas. ~~Food injustice.~~ *Food and prescription access: grocery and pharmacy closures.*

(1) Existing law regulates the employment of workers in grocery establishments, as defined, including requiring an incumbent grocery employer, as defined, where there is a change of control, as defined, to post a public notice of the change in control at the location of the affected grocery establishment within 5 business days following the execution of the transfer document, as specified. Existing law requires the notice to include, among other specified information, the name of the incumbent grocery employer, and to be posted in a conspicuous place at the grocery establishment in a manner where it can be readily viewed by specified persons, including eligible grocery workers.

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies by the California State Board of Pharmacy. Existing law authorizes a pharmacy to furnish prescription drugs only to certain entities, including specific health care entities, and individual patients or another pharmacy either pursuant to prescription or as otherwise authorized by law. Existing law defines a pharmacy as an area, place, or premises licensed by the board in which the profession of pharmacy is practiced and where prescriptions are compounded.

This bill would require a covered establishment, defined to include a grocery establishment or a pharmacy establishment, to satisfy specified requirements no later than 90 days before its closure, as defined, takes effect, including providing written notice of the closure to specified entities, including the employees of the covered establishment affected by the closure. The bill would require the written notice to include specified information, including the planned closure date of the covered establishment. The bill would exempt a covered establishment from these requirements if the closure is necessitated by a physical calamity or an act of war.

(2) Existing law authorizes an aggrieved employee of a grocery establishment or their representative, as described, to bring an action, as specified, for violations of the above-described change of control provisions to recover, among other awards, reasonable attorney's fees and costs, if specified requirements are met, including that the employee provided written notice to the employer of the violations, as specified. Existing law also authorizes a civil penalty not to exceed \$100 against, among other specified entities, the grocery employer for each employee whose rights are violated under those provisions. Existing law also authorizes an additional amount of \$100 per employee payable as liquidated damages for each day of the violation until the violation is cured, as specified, and authorizes that amount to be recovered by the Labor Commissioner, as specified, and paid to the employee as compensatory damages.

This bill would authorize a civil penalty not to exceed \$10,000 for each violation to be assessed and collected in a civil action against a covered establishment that violates the above-described written notice provisions brought by specified persons or entities, including any person injured by the violation. The bill would authorize the court, in assessing the amount of the civil penalty, to consider relevant circumstances, including the nature and severity of the misconduct, and require the court to award a prevailing plaintiff reasonable attorneys' fees and costs. The bill would require, if the action is pursued by specified entities, including the Attorney General, that specified portions of the civil penalty collected be paid to, among other specified sources, the treasurer of the county in which the judgment was entered. The bill would entitle an employee that does not receive the written notice to recover in a civil action an additional sum of \$100 payable as liquidated damages per employee for each day of the violation until the violation is cured. The bill would specify that these provisions do not preempt

or alter any other rights or remedies, including any causes of action, available under any other federal or state law.

(3) Existing law, the California Workforce Innovation and Opportunity Act, establishes local workforce development boards to perform duties related to the planning, oversight, and evaluation of local workforce investment, including identifying workforce training programs.

This bill would require a county, after receiving a written notice described above from any covered establishment, to provide the covered establishment with information about safety net programs, including the CalWORKs program, and would require a local workforce development board to provide the covered establishment with information about the availability of local workforce training services. The bill would also require the covered establishment, no later than 30 days before its closure, to provide any of that information it receives to each of its employees. By increasing the duties of a county and a local workforce development board, the bill would impose a state-mandated local program.

(4) Existing law provides for various public social services programs in the state, which are administered by the State Department of Social Services, including the CalFresh program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county, and the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing law requires that any benefits provided to recipients under the department's authority be distributed through an electronic benefits transfer system, as specified.

This bill would require the department, after receiving a written notice described above from a grocery establishment, to post on its internet website, as specified, information stating that the grocery establishment will be closing and the closing date. The bill would require a county to, among other specified duties, track the grocery establishment closures in its jurisdiction. By creating new duties for a county, the bill would impose a state-mandated local program.

(5) This bill would make findings and declarations relating to these provisions.

(6) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law provides for various food-related services and benefits, including the CalFresh program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county, and the CalFood Program, under which food and funding is provided to food banks whose primary function is to facilitate the distribution of food to low-income households.~~

~~This bill would state that it is the intent of the Legislature to enact legislation addressing food injustice.~~

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

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) African American households disproportionately experience*
- 4 *food insecurity.*
- 5 *(b) African American communities also disproportionately*
- 6 *experience highly limited access to affordable and nutritious food,*
- 7 *and are often inundated with unhealthy options like sugary drinks*
- 8 *and processed or fast food.*
- 9 *(c) Redlining, bolstered by other government and*
- 10 *government-enabled discrimination, is a central cause of this food*
- 11 *injustice.*
- 12 *(d) One of the harms facing African American communities in*
- 13 *California is the lack of access to grocery stores and supermarkets.*
- 14 *White neighborhoods on average have four times as many*
- 15 *supermarkets as predominantly African American communities,*
- 16 *which typically are smaller and have less of a selection than White*
- 17 *neighborhoods.*
- 18 *(e) Advance notification of grocery store closures is needed*
- 19 *because many low-income Californians are suffering and losing*
- 20 *access to healthy and affordable food. Low-income Californians*

1 need to be made aware of a closure ahead of time, and need to be
2 informed of comparable services in the local area.

3 (f) According to the California Association of Food Banks, 23
4 percent of California households overall and 28 percent of
5 California households with children face food insecurity.

6 (g) Food insecurity is described as the occasional or constant
7 lack of access to the food one needs for a healthy, active life.
8 Because of vast structural inequities, much higher levels of food
9 insecurity are experienced by Black and Latino California
10 households, with White California households experiencing food
11 insecurity at rates lower than the general population.

12 (h) Black and Latino neighborhoods in the 30 most populous
13 American cities have fewer pharmacies than White or diverse
14 neighborhoods. “Pharmacy deserts,” which are similar to “food
15 deserts,” are an often overlooked contributor to persistent racial
16 and ethnic health disparities.

17 (i) In order to remedy the harms from abrupt disruptions in
18 access to food, prescriptions, and other household goods, the
19 California Reparations Task Force recommends requiring advance
20 notifications to the affected community, employees, and other
21 stakeholders before the closure of a grocery store or pharmacy to
22 ensure that community members are able to locate healthy and
23 affordable food in the surrounding community and that employees
24 are equipped with the resources necessary to gain employment
25 elsewhere.

26 SEC. 2. Chapter 41 (commencing with Section 22949.90) is
27 added to Division 8 of the Business and Professions Code, to read:

28

29 CHAPTER 41. GROCERY AND PHARMACY ESTABLISHMENT
30 CLOSURES

31

32 22949.90. For purposes of this chapter, the following
33 definitions apply:

34 (a) “Covered establishment” includes a grocery establishment
35 or a pharmacy establishment.

36 (1) “Grocery establishment” means a retail store operating in
37 this state that meets both of the following requirements:

38 (A) The retail store sells primarily household foodstuffs for
39 offsite consumption, including, but not limited to, the sale of fresh

1 *produce, meats, poultry, fish, deli products, dairy products, canned*
2 *foods, dry foods, beverages, baked foods, or prepared foods.*

3 *(B) The sale of any other household supplies or other products*
4 *by the retail store is secondary to the primary purpose of food*
5 *sales.*

6 *(2) “Pharmacy establishment” means a pharmacy as defined*
7 *in Section 4037 that meets both of the following requirements:*

8 *(A) The pharmacy is a chain or independent pharmacy as*
9 *defined in Section 4001.*

10 *(B) The pharmacy is open to the public.*

11 *(b) “Closure” means the cessation or substantial cessation of*
12 *industrial or commercial operations by a covered establishment.*

13 *22949.91. (a) A covered establishment shall, no later than 90*
14 *days before a closure of the covered establishment takes effect,*
15 *perform all of the following acts:*

16 *(1) Provide written notice of the closure to all of the following*
17 *persons or entities:*

18 *(A) The employees of the covered establishment affected by the*
19 *closure and their authorized representatives.*

20 *(B) The Employment Development Department.*

21 *(C) The State Department of Social Services.*

22 *(D) The local workforce development board of any city and*
23 *county government within which the covered establishment is*
24 *located.*

25 *(E) The chief elected official of each city and county government*
26 *within which the covered establishment is located.*

27 *(F) The local human services departments of each county*
28 *government within which the covered establishment is located.*

29 *(2) Post a written notice of the closure in a conspicuous location*
30 *at the entrance to the covered establishment’s premises that*
31 *includes a link to, or a quick response (QR) code that links to, a*
32 *page on the State Department of Social Services’ internet website*
33 *that outlines the requirements of this subdivision.*

34 *(3) Provide a written notice of the closure in any other form in*
35 *which the covered establishment regularly communicates or*
36 *advertises to its customers, including, but not limited to, text*
37 *message, email, or advertisements of general circulation.*

38 *(b) (1) A written notice by a covered establishment described*
39 *in subdivision (a) shall include, but not be limited to, the following*
40 *information:*

- 1 (A) *The planned closure date of the covered establishment.*
- 2 (B) *The reasons for the closure of the covered establishment.*
- 3 (C) *The names, addresses, and contact information of the three*
- 4 *nearest covered establishments that provide comparable services*
- 5 *to the covered establishment.*

6 (2) *A written notice by a pharmacy establishment shall also*
7 *include the name, address, and contact information of the*
8 *pharmacy where any prescriptions will be transferred and*
9 *information regarding the process of transferring the prescription*
10 *to a pharmacy of the consumer's choosing.*

11 (c) *Notwithstanding the requirements of this section, a covered*
12 *establishment shall not be required to provide written notice if a*
13 *closure is necessitated by a physical calamity or an act of war.*

14 (d) (1) *A covered establishment that violates this section shall*
15 *be subject to a civil penalty not to exceed ten thousand dollars*
16 *(\$10,000) for each violation, to be assessed and collected in a civil*
17 *action brought by any person injured by the violation or in a civil*
18 *action brought in the name of the people of the State of California*
19 *by the Attorney General, a district attorney, or a city attorney*
20 *where the covered establishment was located.*

21 (A) *In assessing the amount of the civil penalty, the court may*
22 *consider relevant circumstances presented by the parties to the*
23 *case, including, but not limited to, the following circumstances:*

- 24 (i) *The nature and severity of the misconduct.*
- 25 (ii) *The number of violations.*
- 26 (iii) *The length of time over which the misconduct occurred,*
- 27 *and the persistence of the misconduct.*
- 28 (iv) *The willfulness of the misconduct.*
- 29 (v) *The defendant's assets, liabilities, and net worth.*

30 (B) (i) *If the Attorney General brings the action, one-half of*
31 *the civil penalty collected shall be paid to the treasurer of the*
32 *county in which the judgment was entered, and one-half shall be*
33 *paid to the General Fund.*

34 (ii) *If a district attorney brings the action, the civil penalty*
35 *collected shall be paid to the treasurer of the county in which the*
36 *judgment was entered.*

37 (iii) *If a city attorney brings the action, one-half of the civil*
38 *penalty collected shall be paid to the treasurer of the city in which*
39 *the judgment was entered, and one-half shall be paid to the*
40 *treasurer of the county in which the judgment was entered.*

1 (C) The court shall grant a prevailing plaintiff reasonable
2 attorneys' fees and costs.

3 (2) An employee that does not receive written notice by a
4 covered establishment in violation of this section is entitled to
5 recover in a civil action an additional sum payable as liquidated
6 damages in the amount of one hundred dollars (\$100) per employee
7 for each day the rights of an employee under this section are
8 violated and continuing until the violation is cured.

9 (e) This section does not preempt or alter any other rights or
10 remedies, including any causes of action, available under any
11 other federal or state law.

12 22949.92. (a) (1) After receiving a written notice described
13 in Section 22949.91 from a covered establishment, the county in
14 which that covered establishment is located shall provide the
15 covered establishment with information about safety net programs,
16 including, but not limited to, unemployment insurance, the
17 CalWORKs program, the CalFresh program, and the Medi-Cal
18 program. The local workforce development board of the county
19 in which that covered establishment is located shall provide the
20 covered establishment with information about the availability of
21 local workforce training services.

22 (2) The covered establishment shall, no later than 30 days before
23 a closure of the covered establishment takes effect, provide any
24 information that it receives from the county and local workforce
25 development board to each employee of the covered establishment.

26 (b) After receiving a written notice described in Section
27 22949.91 from a grocery establishment, the State Department of
28 Social Services shall post on its internet website for the electronic
29 benefits transfer system, established pursuant to Section 10071 of
30 the Welfare and Institutions Code, that lists the stores that accept
31 the CalFresh program's benefits information stating that the
32 grocery establishment is closing and the closure date.

33 (c) Each county that receives a written notice described in
34 Section 22949.91 shall track and monitor all of the following:

- 35 (1) Any grocery establishment closures in its jurisdiction.
36 (2) Identify any trends in grocery establishment closures.
37 (3) Address reasons for the closures if findings suggest the
38 possible need for intervention by the county.

39 SEC. 3. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

1 *local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

4 ~~SECTION 1. It is the intent of the Legislature to enact~~
5 ~~legislation addressing food injustice.~~

O

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: