



## The Vita Viewpoint Important Information for Decision Makers

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### Health-Related Legislation Signed by Governor Gray Davis

Following is a summary of some of the health-related legislation signed by Governor Gray Davis, in addition to S.B. 2 (the Pay or Play health mandate bill). The volume and scope of health-related legislation is notable, and this brief overview should provide a "taste" of the type of bills that have been passed and signed. In addition, there is pressure mounting from employer groups to request a repeal of the S.B. 2 legislation once Arnold Schwarzenegger is in office.

**Insurers:** (SB 853) The law requires the Department of Managed Care to develop, by Jan. 1, 2006, regulations that ensure that health plan enrollees have access to language assistance services. Specifically, the law requires health plans to assess the linguistic needs of members; provide translations and interpretation services; and file an annual compliance report with the DMHC.

**Domestic Partner Benefits:** (AB 17) Under the law, will take effect in 2007, California becomes the first state to require businesses with large contracts with the state to provide the same benefits to employees' domestic partners as those offered to employees' spouses. The measure would include health benefits and family medical leave; the law could be waived in emergencies or when there is only one bidder. The law is expected to cost the state millions dollars each year through state contracts. The law will affect most businesses with contracts valued at more than \$100,000.

**Medical Advice Services:** (SB 969) The law clarifies existing state statutes on whom can give medical advice to health plan members over the phone. It states that unlicensed medical staff cannot "assess, evaluate, advise or make any decision regarding the condition of an enrollee" and prohibits misleading titles. The law limits operators' duties to gathering information about patients' conditions before forwarding the calls to licensed professionals.

**Medical Marijuana:** (SB 420) The law, which takes effect Jan. 1, 2004, stipulates that state residents can possess no more than eight ounces of dried marijuana -- or 12 immature or six mature live plants -- to use the drug for medical purposes. The measure creates a voluntary photo identification card system for people who legally can use or dispense marijuana under state law. The law directs DHS to develop the program and requires county health departments to certify applicants' eligibility for the IDs; it also clarifies who is allowed to use medical marijuana under Proposition 215, the 1996 ballot initiative allowing state physicians to recommend marijuana to sick patients.

**Pregnant Women:** (SB 875) The law requires the Department of Health Services to create a brochure to help educate pregnant women and parents of newborns about preventing chronic diseases by increasing consumption of fruits and vegetables and maintaining an active lifestyle.

**Breast Cancer:** (SB 1075) The law requires that the DHS include on its Web site or in any breast cancer literature it produces specific information on breast cancer risk factors in younger women, as well as alternatives to mammography.

**Ephedra:** (SB 582) The law and set to take effect Jan. 1, 2004, bans the sale or distribution of products containing the dietary supplement Ephedra except when a doctor has prescribed it to treat asthma. Ephedra, which has been marketed as a treatment to lose weight and increase energy, has been linked to strokes, seizures and heart attacks. California is the third state to enact a ban on the supplement.

**Domestic Partner Benefits:** (AB 1082) The law authorizes a local agency to provide health coverage through CalPERS for the domestic partners of employees and annuitants, regardless of whether the domestic partner meets the definition created by the state.

**HIV:** (AB 879) The law requires DHS to form a task force that will be charged with creating treatment guidelines for cases of inadvertent sexual or needle exposure to HIV. The state currently only has post-exposure treatment guidelines for health care workers and sexual assault survivors who are exposed to the virus.

**HIV:** (AB 1676) The law requires physicians to inform pregnant women that HIV testing will be included in a battery of tests routinely performed on pregnant women and provide counseling for women who find out that they are HIV-positive.

**CalPERS:** (SB 436) The law is intended to help CalPERS respond to market pressures in a way that promotes stability in its health program. The law would eliminate a three-year limit on the terms of contracts for the provision of health benefits.

***For questions or additional information, please contact Vita Benefits Group at (650) 968-8811.***