August 31, 2015

URGENT: Assisted Suicide Bill hearing tomorrow

ACTION STILL PENDING ON AB 775 and AB 1177: Both of our key Assembly Bills remain on the floor of the Senate, where no action was taken last week. We still anticipate the full Senate will vote on these two bills at any moment. You can review the bills more in depth under our Other Key Bills section below, where you will also find talking points and sample letters. It is imperative that we keep pressure on the Senators, especially in light of the video scandal involving Planned Parenthood’s despicable role in trafficking body parts they harvested from abortions.

By Lori Arnold
Research Analyst

Several of our coalition sources in the Capitol have indicated that ABX2-12, the resurrected Physician Assisted Suicide Bill, will be heard Tuesday afternoon as part of an Extraordinary Session called by Governor Jerry Brown. The bill, dubbed the End of Life Option Act, is expected to be heard in the Public Health and Developmental Services Committee, although it is not listed on the official agenda.

The Public Health and Developmental Services Committee was comprised specifically for the Extraordinary session and replaces the original Assembly Health Committee that thwarted Senate Bill (SB) 128 earlier this summer. Numerous Democrats on that initial committee indicated they would not support the “death with dignity” bill and assured its demise.

Not content with the loss, determined lawmakers made an end run by using a narrow legislative tactic to reintroduce the measure during the special session on healthcare financing.

Governor Brown has indicated his displeasure with the new bill’s introduction, saying the Extraordinary Session is not the proper place or process to try to implement the controversial measure.

While pro-family advocates often have their differences with the governor, in this case we wholeheartedly agree.

Please take a few moments now to contact members of the committee. Those who live in the Sacramento area are also asked to attend the hearing and to wear red. Opponents of the ABX2-12 will meet at noon on the fourth floor of the Capitol.

For your convenience we have included a summary of the bill, talking points, a sample letter and the committee list. Information for AB 775 and AB 1177 follows the materials on ABX2-12

**ABX2-15 (Eggman D-Stockton) End of life.**

**CFA Assessment:** Oppose

**Summary:** This bill would enact the End of Life Option Act authorizing an adult who meets certain qualifications, and who has been determined by his or her attending physician to be suffering from a terminal disease, to make a request for a drug for the purpose of ending his or her life. The bill would establish the procedures and necessary forms for making these requests. This bill would require specified information to be documented in the individual’s medical record, including, among other things, all oral and written requests for an aid-in-dying drug.
The bill prohibits conditioning any contractual provision, will, health insurance policy, or the pricing of such a policy upon the making or rescinding of a request for such drugs. The bill would prohibit an insurance carrier from providing any information in communications made to an individual about the availability of an aid-in-dying drug absent a request by the individual or his or her attending physician at the behest of the individual. The bill would also prohibit any communication from containing both the denial of treatment and information as to the availability of aid-in-dying drug coverage.

This bill would provide immunity from civil, criminal, administrative, employment, or contractual liability or professional disciplinary action for participating in “good faith” compliance with the act (a more lenient standard than the normal “negligence” liability standard for medical misconduct). The bill would make participation in activities authorized pursuant to its provisions voluntary, and would make health care providers immune from liability for refusing to engage in activities authorized pursuant to its provisions. The bill would authorize a health care provider to prohibit its employees, independent contractors, or other persons or entities, including other health care providers, from participating in activities under the act while on the premises owned or under the management or direct control of that prohibiting health care provider, or while acting within the course and scope of any employment by, or contract with, the prohibiting health care provider.

This bill would make it a felony to knowingly alter or forge a request for drugs to end an individual's life without his or her authorization or to conceal or destroy a withdrawal or rescission of a request for a drug, if it is done with the intent or effect of causing the individual's death. The bill would make it a felony to knowingly coerce or exert undue influence on an individual to request a drug for the purpose of ending his or her life or to destroy a withdrawal or rescission of a request. The bill would provide that nothing in its provisions is to be construed to authorize ending a patient's life by lethal injection, mercy killing, or active euthanasia, and would provide that action taken in accordance with the act shall not constitute, among other things, suicide or homicide.

This bill would require physicians to submit specified forms and information to the State Department of Public Health after writing a prescription for an aid-in-dying drug and after the death of an individual who requested an aid-in-dying drug. The bill would require the Medical Board of California to update those forms on or before January 1, 2019, and the State Department of Public Health to publish the forms on its Internet Web site. The bill would require the department to annually review a sample of certain information and records and to make a statistical report of the information collected.

Public Health and Developmental Services Committee

Key CFA Talking Points:

• **ABX2-15 violates a doctor's Hippocratic Oath to “do no harm.”**

• **ABX2-15 ignores the subjective and unreliable practice of estimating a person’s life expectancy after receiving a terminal diagnosis.**

• **ABX2-15 disregards the role of depression that is frequently associated with terminal diagnoses, and only suggests that doctors refer a patient to counseling “if appropriate.”**

• **ABX2-15 downplays advances in palliative and hospice care, which can ease a terminal patient’s suffering during the end stages of their disease.**

• **ABX2-15 contains no provisions to track or review the total number of assisted-suicide cases, offering instead an annual review of a “sample of certain records.” Statistical reports would only be compiled from these sample records. Death certificates would list only the underlying terminal illness, not assisted suicide.**

• **ABX2-15 offers no provision for impartial witness who can testify if a patient changes his or her mind after seeking the death prescription.**

• **ABX2-15 prohibits the issuance of insurance in relation to a request for assisted suicide, but provides no investigation to be sure the patient is not under financial duress in seeking the early death option.**

• **ABX2-15 significantly lowers the standard for imposing liability and professional disciplinary action for doctors who assist a patient with killing him or herself.**
• ABX2-15 provides protections for doctors to opt out of participation; however, as has been seen in other states such protections are often wrested away in subsequent years.

• ABX2-15 declares it a felony to falsify documents related to assisted suicide requests, but provides no mechanism to ensure their legitimacy before the suicide.

Sample letter

NOTE: Faxing letters is much more effective than telephone calls or emails, which are not always tracked. Contact information for each committee member is listed after the sample letter.

Re: ABX2-15 (oppose)

Dear Assemblymember _______________________

I would like to add my voice to the growing number of medical and disability rights groups who oppose ABX2-15, the proposed law to legalize assisted suicide in California.

As doctors and medical professionals across the country have continued to improve end-of-life care through advances in palliative and hospice care, the potential for mistakes and abuse are too great to accept this measure. ABX2-15 simply carries too many risks.

Opposition to this bill is wide and is not contained to a single political party or ethnic group. Marilyn Golden, a progressive who serves as Senior Policy Analyst of the Disability Rights Education & Defense Fund said in an Associated Press article earlier this year that by their nature, assisted-suicide laws inevitably result in people wrongly dying.

“No safeguards have ever been enacted or proposed that can prevent this outcome, which can never be undone,” Golden said.

I agree and so does research conducted in Oregon, Washington, Belgium and the Netherlands, areas that have already implemented such laws.

The safeguards presented in ABX2-15 will not protect vulnerable patients from becoming casualties over the tug-of-war between affordable health care insurance and the escalating costs to provide medical treatments. There is also no true way to protect against undue influence for those who seek to profit from a patient’s early death. The truly compassionate approach is to provide terminal patients with a variety of viable life-affirming options, including physical, mental and emotional support.

A host of other organizations agree: Californians Against Assisted Suicide, the American Medical Association, American College of Pediatricians, American Geriatrics Society, American Nursing Association, California Family Alliance, California Catholic Conference, California Disability Alliance, Berkeley Commission on Disability, and Autistic Self Advocacy Network.

Additionally, I have grave concerns over the process by which ABX2-15 was introduced. As Governor Jerry Brown has indicated, this Extraordinary Session is not the appropriate place or process to consider this controversial bill. It also thwarts the voice and concerns of key Democrats who expressed an unwillingness to support the bill through the proper channel of the Assembly Health Committee.

Please protect all Californians—and the legislative process—by opposing ABX2-15.

Sincerely,

Public Health and Developmental Services Committee

Chair Rob Bonta (D-Oakland)
Sacramento Office: (916) 319-2018
Fax (916) 319-2118
District Office (510) 286-1670
assemblymember.bonta@assembly.ca.gov
Vice Chair Brian Maienschein (R-San Diego)
Sacramento Office (916) 319-2077
Fax (916) 319-2177
District Office (858) 675-0077
assemblymember.maienschein@assembly.ca.gov

Catharine Baker (R-San Ramon)
Sacramento Office (916) 319-2016
Fax (916) 319-2116
District Office (925) 328-1515
assemblymember.baker@assembly.ca.gov

Susan Bonilla (D-Concord)
Sacramento Office (916) 319-2014
Fax (916) 319-2114
District Office (925) 521-1511
assemblymember.bonilla@assembly.ca.gov

Nora Campos (D-San Jose)
Sacramento Office (916) 319-2027
Fax (916) 319-2127
District Office (408) 277-1220
assemblymember.campos@assembly.ca.gov

Eduardo Garcia (D-Indio)
Sacramento Office (916) 319-2056
Fax (916) 319-2156
District Office (760) 342-8047
assemblymember.garcia@assembly.ca.gov

Marc Levine (D-San Rafael)
Sacramento Office (916) 319-2010
Fax (916) 319-2110
District Office (415) 479-4920
assemblymember.levine@assembly.ca.gov

Chad Mayes (R-Rancho Mirage)
Sacramento Office (916) 319-2042
Fax (916) 319-2142
District Office (760) 346-6342
assemblymember.mayes@assembly.ca.gov

Miguel Santiago (D-Los Angeles)
Sacramento Office (916) 319-2053
Fax (916) 319-2153
District Office (213) 620-4646
assemblymember.santiago@assembly.ca.gov

Marc Steinorth (R-Rancho Cucamonga)
Sacramento Office (916) 319-2040
Fax (916) 319-2140
District Office (909) 466-9096
assemblymember.steinorth@assembly.ca.gov
Other Key Bills

**AB 775 (Chiu D-San Francisco) Reproductive FACT Act.**

**CFA's Assessment:** Oppose

**Summary:** Billed as the Reproductive FACT (Freedom, Accountability, Comprehensive Care, and Transparency) Act, the bill requires pregnancy care clinics to post a notice in at least 22-point type stating “California has public programs that provide immediate free or low-cost access to comprehensive family planning services, prenatal care, and abortion, for eligible women.” The bill would also require pregnancy care centers that provide counseling but not medical care to post a “scare notice” in at least 48-point type stating, among other things, that the facility “is not licensed as a medical facility by the State of California.”

Failure to comply carries a $500 fine for first offense and $1,000 for each subsequent offense. The bill authorizes the Attorney General, city attorney, or county counsel to impose the civil fines.

Passed Assembly, 49-26
Passed Senate Health Committee, 6-2
Senate third reading, no action

**Key CFA Talking Points:**

- **AB 775 violates the free speech rights of Pregnancy Care Clinics and their employees by forcing them to promote abortion services that are contrary to their deeply held religious beliefs.**

- **AB 775 exempts Medi-Cal family planning providers, including abortion clinics, from its disclosure requirements.**

- **AB 775 promotes viewpoint discrimination by forcing one-sided disclosures by Pregnancy Care Clinics but not abortion facilities.**

- **AB 775 undermines licensed PCC medical clinics by suggesting they are not “legitimate” organizations since they do not provide abortions.**

- **AB 775 increases taxpayer liability, since abortion facilities are largely funded with government money. PCCs, on the other hand, are funded and operated by concerned individuals, offering a wide range of pregnancy support services at no expense to taxpayers.**

**AB 775 Sample letter**

**NOTE:** Faxing letters is much more effective than telephone calls or emails, which are not always tracked. For contact information for your state Senator click here. To find your state Senator, click here.
Re: AB 775 (oppose)

Dear Senator _______________,

The full Senate is set to vote any day on AB 775, the Reproductive FACT (Freedom, Accountability, Comprehensive Care, and Transparency) Act, which puts burdensome regulations on Pregnancy Care Clinics and Centers. These centers, which provide free care to all clients and help save taxpayer money, offer a wide range of pregnancy related counseling and services to women. While well intentioned, I believe AB 775 unfairly targets these centers because of their viewpoints, a direct violation of freedom of speech protections. Because the legal requirements of AB 775 do not apply to Medi-Cal family planning providers that offer abortion services, the law is clearly discriminatory toward PCC’s.

Thousands of Californians receive free care and support from PCC’s every year. To protect PCC’s freedom of speech, and to save California taxpayers money, I respectfully request a no vote on AB 775.

Sincerely,

AB 1177 (Gomez D-Los Angeles) Primary care clinics: written transfer agreements.

CFA Assessment: Oppose

Summary: Existing regulations require primary care clinics to maintain a written transfer agreement with one or more nearby hospitals and other facilities as appropriate to meet medical emergencies. Existing law authorizes certain clinics to request that the State Department of Public Health waive this requirement.

This bill would provide that a licensed primary care clinic is not required to enter into a written transfer agreement pursuant to those provisions as a condition of licensure, except as provided for a primary care clinic where anesthesia is used in compliance with the community standard of practice, in doses that, when administered, have the probability of placing a patient at risk for loss of the patient's life-preserving protective reflexes. The bill would exempt a primary care clinic from the above-referenced hospital transfer agreement requirement if the clinic submits to the State Department of Public Health competent evidence, as defined, that documents its attempt to obtain a written transfer agreement from at least 2 local hospitals, except as provided. The bill would impose similar requirements upon an alternative birth center licensed as a primary care clinic, as specified. The bill would require the department to amend its regulations to conform to these changes.

Passed Assembly Health Committee, 14-5
Passed Assembly Appropriations Committee, 12-5
Passed Assembly, 51-28
Passed Senate Health Committee, as amended, 7-2
To Senate third reading

Key CFA Talking Points:

• AB 1177 strips away a necessary layer of patient protection by failing to ensure that patients have immediate access to hospital services in the event of an unforeseen medical emergency resulting from abortion.

• AB 1177 fails to consider that California law now allows surgical procedures such as abortions in primary care clinics. Such procedures have known medical risks that can be fatal without immediate emergency trauma care.

• AB 1177, when coupled with California’s law allowing nurses to perform surgical abortions, could put women who seek abortions in primary care clinics at risk for serious complications, including death.

AB 1177 Sample letter

NOTE: Faxing letters is much more effective than telephone calls or emails, which are not always tracked. For contact information for your state Senator click here. To find your state Senator, click here.

Re: AB 1177 (oppose)

Dear Senator _______________,
I respectfully request a no vote on AB 1177, which faces a floor vote in the Senate at any time.

The bill erodes patient safety by removing written transfer agreements between hospitals and primary clinics.

As you know, California has lessened the health standards for such clinics in recent years, including allowing abortions to take place at primary care clinics. In addition, standards for performing abortions have also been lessened by allowing nurses to perform surgical abortions. Such scenarios place women at a heightened risk for complications. AB 1177 would further add to the potential by denying women immediate access to emergency treatment in the event something goes wrong.

Please protect women’s health by voting no on AB 1177.

Sincerely,

Legislative action: Week of Aug. 24

AB 32 (Waldron R-Escondido) Computer Crimes.
CFA’s Assessment: Support
Passed Assembly, 78-0
Passed Senate Public Safety Committee, as amended, 6-0
Senate third reading, to consent calendar

CFA’s Assessment: Oppose
Passed Assembly, 51-25
Passed Senate Education Committee, 6-1
Passed Senate Appropriations Committee, as amended, 6-1

CFA’s Assessment: Support
Passed Assembly, 69-3
Passed Senate Education Committee, 7-0
Assembly second reading, amended
To Assembly third reading

CFA’s Assessment: Oppose
Passed Assembly, as amended, 58-21
Passed Senate Education Committee, 7-2
Senate Appropriations Committee, held in committee

AB 827 (O’Donnell D-Long Beach) Teachers: in-service training: lesbian, gay, bisexual, transgender, and questioning pupil resources.
CFA’s Assessment: Oppose.
Passed Assembly, as amended, 59-15
Passed Senate Education Committee, 7-2
Senate second reading, amended
To Senate third reading

CFA’s Assessment: Oppose.
Passed Assembly, 59-16
Passed Senate Energy, Utilities and Communications Committee, 9-2
Passed Senate Appropriations Committee, as amended, 5-2
**AB 1051** (Maienschein R-San Diego) **Human trafficking.**

**CFA’s Assessment:** **Support**

**Summary:** The bill would add human trafficking to the “a pattern of criminal gang activity” crimes covered by the voter-approved Proposition 21.

Additionally, AB 1051 would require that a person convicted of a human trafficking offense or of specified sex trafficking offenses where any part of the violation takes place upon the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school during the hours that the school is open for classes or school-related programs, or at any time when minors are using the facility, to receive, in addition to any other penalty imposed, punishment of 3 years in state prison.

The bill would also require that the person sentenced under this provision serve the entire term of his or her imprisonment for the underlying offense, as well as the additional term imposed, in the state prison.

Passed Assembly, 74-0
Passed Senate Public Safety Committee, as amended, 6-0
Senate Appropriations Committee, held in committee

**SB 703** (Leno D-San Francisco) **Public contracts: prohibitions: discrimination.**

**CFA’s Assessment:** **Oppose**

**Summary:** Existing law authorizes state agencies to enter into contracts for the acquisition of goods or services upon approval by the Department of General Services. This bill would prohibit a state agency from entering into contracts for the acquisition of goods or services of $100,000 or more with a contractor that discriminates between employees on the basis of gender identity in the provision of benefits, as specified. The bill would require the department to maintain an easily accessible list on its Internet Web site of contracts for the acquisition of goods or services of $100,000 or more entered into on or after January 1, 2016.

Passed Senate, 25-13
Passed Assembly Accountability and Administrative Review Committee, 6-3
Passed Assembly Appropriations Committee, as amended, 12-5

**SB 731** (Leno D-San Francisco) **Foster children: housing: gender identity.**

**CFA’s Assessment:** **Oppose**

Passed Senate, 28-5
Passed Assembly Human Services Committee, 7-0
Assembly second reading, amended
Passed Assembly Appropriations Committee, 12-1
To Assembly third reading

**Scheduled floor action: Week of Aug. 31**

**Monday, Aug. 31**

**AB 32** (Waldron R-Escondido) **Computer Crimes.**

**CFA’s Assessment:** **Support.**

**Summary:** Relates to various crimes relating to computer services and systems. Makes the commission of crimes that involve acquiring, copying, or distributing a digital image of a person that displays an intimate body part of the person additionally punishable by a fine not exceeding $10,000. Permits a criminal complaint alleging a violation described in the bill to be filed within a specified time of the date on which that violation was discovered.

Passed Assembly Public Safety Committee, as amended, 7-0
Passed Assembly, 78-0
Passed Senate Public Safety Committee, as amended, 6-0
Senate third reading, to consent calendar

AB 517 (Gallagher R-Chico) **The California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act: educational materials.**
CFA’s Assessment: Support. This bill would protect children by requiring schools to get parental permission before students are exposed to outside consultants for any classroom or assembly instruction on the topic. Current policy puts the onus on parents by requiring them to opt out of the instruction. The new policy would protect students from being subjected to inappropriate presentations by often-radical third party groups, such as Planned Parenthood and LGBT activist organizations.

**Summary:** This bill would require a school district to provide a parent or guardian with ample time to inspect any written or audiovisual educational material used in comprehensive sexual health education and HIV/AIDS prevention education and would authorize a parent or guardian to make copies of any written educational material that will be distributed to students, if it is not copyrighted and has been or will be presented by an outside consultant or guest speaker. The bill would authorize a school to charge up to $0.10 per page if a parent or guardian elects to make copies of this written educational material. The bill would also require a school district to inform parents and guardians of their right to make these copies and of the training in comprehensive sexual health education and HIV/AIDS prevention education of each outside consultant or guest speaker providing this instruction.

Passed Assembly, 69-3
Passed Senate Education Committee, 7-0
Assembly second reading, amended
Assembly third reading

AB 775 (Chiu D-San Francisco) **Reproductive FACT Act.**
CFA’s Assessment: Oppose.
See details under Key Bills above
Passed Assembly, 49-26
Passed Senate Health Committee, 6-2
Senate third reading

AB 827 (O’Donnell D-Long Beach) **Teachers: in-service training: lesbian, gay, bisexual, transgender, and questioning pupil resources.**
CFA’s Assessment: Oppose

**Summary:** Existing law, the Safe Place to Learn Act, requires the State Department of Education, to regularly assess whether each local educational agency has adopted a policy that prohibits discrimination, harassment, intimidation, and bullying, and has publicized that policy to pupils, parents, employees, agents of the governing board, and the general public.

This bill would require each school district, county office of education, and charter school serving pupils between grades 7 to 12 to provide to certificated school site employees information on existing school site and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning pupils, as specified.

Passed Assembly, as amended, 59-15
Passed Senate Education Committee, 7-2
Senate second reading, amended
Senate third reading

AB 1177 (Gomez D-Los Angeles) **Primary care clinics: written transfer agreements.**
CFA Assessment: Oppose

See details under Key Bills above
SB 703 (Leno D-San Francisco) Public contracts: prohibitions: discrimination.
CFA’s Assessment: Oppose

Summary: Existing law authorizes state agencies to enter into contracts for the acquisition of goods or services upon approval by the Department of General Services. This bill would prohibit a state agency from entering into contracts for the acquisition of goods or services of $100,000 or more with a contractor that discriminates between employees on the basis of gender identity in the provision of benefits, as specified. The bill would require the department to maintain an easily accessible list on its Internet Web site of contracts for the acquisition of goods or services of $100,000 or more entered into on or after January 1, 2016.

Passed Senate, 25-13
Passed Assembly Accountability and Administrative Review Committee, 6-3
Passed Assembly Appropriations Committee, as amended, 12-5
Assembly second reading

CFA’s Assessment: Oppose

Summary: This bill would require, in all settings, children in an out-of-home placement to be placed according to their gender identity, regardless of the gender or sex listed in their court or child welfare records.

This bill would additionally specify that all minors and nonminors in foster care have the right to be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records. The bill would require the State Department of Social Services to adopt regulations consistent with this provision.

Passed Senate, 28-5
Passed Assembly Human Services Committee, 7-0
Assembly second reading, amended
Passed Assembly Appropriations Committee, 12-1
Assembly third reading