



Community Intelligence



COMMUNITY INTELLIGENCE POLICY BRIEF

LEGISLATION IMPACTING BLACK HEALTH 2023

Bills with Potential to Influence the Health of Black Californians

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ABOUT THE AUTHOR

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ABOUT COMMUNITY INTELLIGENCE

Community Intelligence Inc. (CI) is a multifaceted organization focused on improving the health status of Black people. We are committed to helping increase the capacity of the Black communities - and the organizations that serve them - to: (1) identify conditions that impact public health, mental health, safety, and community well-being; (2) respond to those conditions in innovative ways; (3) evaluate the collective impact of efforts; and (4) advocate for policies that have the potential to improve Black health.

ABOUT COMMUNITY INTELLIGENCE POLICY BRIEFS

Community Intelligence (CI) policy briefs digest legislation and policies that have the potential to positively or negatively impact Black health status. The purpose of these briefs are to raise awareness of such legislation; and, to engage people, community-based organizations, non-profit health organizations, foundations, and governmental agencies in policy discussions.

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ABSTRACT

- TITLE:** Legislation Impacting Black Health 2023: Bills with Potential to Influence the Health of Black Californians
- INTRODUCTION:** This brief reviews bills that were passed during the 2023 California legislative session that have the potential to impact the health of Black Californians.
- METHODS:** We developed a list of terms associated with Black people and health. We entered those terms into an legislative search engine to identify California legislation, been passed during the 2023 legislative session, that had the potential to impact the health of Black Californians.
- RESULTS:** We identified seventy-five bills that have the potential to impact the health of Black Californians. Of these, fifty-three addressed health awareness; four addressed maternal, child, and infant health; three addressed Black health, racial health disparities, health equity; three addressed behavioral health; two focused on violence prevention; two addressed tobacco exposure; and, seven others addressed distinct health related issues.
- DISCUSSION:** Only two bills (AB 1701/Weber: the California Perinatal Equity Initiative and AB 904/Calderon: the Doulas Bill), both maternal and child health related, called for direct actions to address inequities in Black health status. Only one (AB 1701) allocated funding specifically for Black health improvement.
- CONCLUSION:** Legislation calling for direct actions to improve Black health status was rare. Perhaps it is very difficult to pass legislation calling for the development of plans, programs and/or allocation of funding to address Black health issues, increase health equity and/or reduce racial/ethnic health disparities.
- RECOMMENDATIONS:** Support bills that include funding, resources, and the development of plans and programs.
Advocate for screening bills that include funding for the treatment of identified issues.

INTRODUCTION

Legislation is a political determinant of health and, as such, has the power to *“Either advance health equity or exacerbate health inequities”* – Daniel E. Dawes (2020), *The Political Determinants of Health*

The purpose of this policy brief is to identify, and raise knowledge and awareness of, legislation passed during the 2023 California legislative session that has the potential to impact the health of Black Californians (e.g., increase access to care, increase coverage, improve healthcare outcomes, reduce racial/ethnic health disparities, increase life expectancy, etc.)

METHODS

We utilized an internet-based legislative tracking service to identify public health related and/or individual health related legislation that had been passed by either the California Assembly and/or the California Senate during the 2023 California state legislative session. Within that subset, we conducted key word searches to identify legislation that had the potential to impact the health of Black Californians. Our results are presented below.



RESULTS

We identified seventy-five pieces of legislation (i.e., bills) that have/had the potential to directly or indirectly impact the health of Black Californians. Of these:

- Fifty-three bills addressed health awareness including thirty that designated a particular month of the year to be ‘exemplar disease’ awareness month; nineteen that declared an ‘exemplar disease’ awareness day; and, four that established an ‘exemplar disease’ awareness week. Refer to Table 3 for more information on health awareness related legislation..

- Four bills have already been vetoed by Governor Newsome (i.e., AB 85: Weber, Social Determinants of Health: Screening and Outreach; AB 309: Lee, The Social Housing Act; SB 58: Wiener, Mushroom Decriminalization and SB 541: Menjivar, Sexual Health: Contraceptives).

- Three bills referenced Black health, racial health disparities, health equity, or had the potential to directly improve Black health status (i.e., ACR 53/Weber: Black Health Equity Advocacy Week; AB 1701/Weber: the California Perinatal

Equity Initiative; and, AB 904/Calderon: the Doulas Bill).

- Three bills addressed behavioral health (i.e., SB 43/Eggman: Definition of Gravely Disabled Bill; SB 326/Eggman: Changes Name of Behavioral Health Services Act Bill; and, AB 1130/Berman: the Don’t Call Them Addicts Bill).

- Two bills Focused on violence prevention (i.e., AB 912: Jones-Sawyer, Strategic Anti-Violence Funding Efforts Act and AB 1071: Hoover, Teen Dating Violence Prevention Education: Online Information and Resources).

- Two bills, excluding ACR 53/Weber, AB 1701/Weber and AB 904/Calderon, addressed maternal, child and infant health (i.e., SB 667: Dodd, Mid-Wives: Pregnancy and Childbirth and AB 1239: Calderon, Family Planning, Access, Care, and Treatment Program).

- Two bills (i.e., SB 626: Rubio, Smoking Tobacco in the Workplace: Transient Lodging Establishments and AB 935: Connolly, Tobacco Sales: Flavored Tobacco Ban) sought to reduce exposure

to tobacco smoke and access to flavored tobacco products.

- Seven bills addressed distinct health-related issues (i.e., cancer, climate, open space, school health, transgender health, firearms tax and lead testing of water in schools).

- AB 659: Aguiar-Curry, Cancer Prevention Act;
- SR 34: Cortese, Climate Restoration Bill;
- SB 835: Smallwood-Cuevas, Baldwin Hills and Urban Watersheds Conservancy: Watershed and Open-Space Plan: Report;
- AB 1651: Sanchez, Epinephrine Auto-Injectors Bill;
- AB 1487: Santiago, Transgender, Gender Variant, and Intersex Wellness Reentry Fund;
- AB 28: Gabriel, Firearms and Ammunition Excise Tax; and,
- AB 249: Holden, Lead Testing of School Drinking Water Bill).



DISCUSSION

It was surprising to find that over seventy percent of the health-related bills focused on health awareness, with none calling for specific actions like allocation of funding, resources, requests for the development of plans, or programs to address stated issues.

Only two bills, both maternal and child health related, required actions to address inequities in Black health status (AB 1701/Weber) or racial health disparities (AB 904/Calderon). Of these, only AB 1701 allocated funding and resources, requested the development of plans and/or called for programs focused on Black health improvement.

Two bills called for 'health screening' (AB 659/Aguiar-Curry: the Cancer Prevention Act and AB 85/Weber: Social Determinants of Health: Screening and Outreach - since vetoed by the Governor). Neither allocated funding for future treatment of identified issues .



CONCLUSIONS

Legislation calling for direct actions to improve Black health (i.e., allocation of funding, development of goals/objectives, health screening, increased access to services, increased coverage for services, innovation, policy declarations, program development, program expansion, reduced exposure, testing, etc) was rare.

Health awareness bills without an accompanying allocation of appropriate resources for information dissemination, screening and/or treatment are sub-optimal.

The high percentage of health awareness bills indicates that it must be more difficult to pass bills calling for the development of plans, programs and/or allocation of funding to address Black health issues, increase health equity and/or reduce racial/ethnic health disparities than it is to pass health awareness bills.

RECOMMENDATIONS

Support bills that include funding, resources, and the development of plans and programs.

Advocate for screening bills that include funding for the treatment of identified issues.

LIST 1. 2023 HEALTH RELATED BILLS ORGANIZED BY TOPIC

(EXCLUDES HEALTH AWARENESS BILLS)



BEHAVIORAL HEALTH

BEHAVIORAL HEALTH (SB 43: EGGMAN)

Existing law (i.e., Lanterman-Petris-Short Act), provides for the involuntary commitment and treatment of a person who is a danger to themselves or others or who is gravely disabled. SB 43 expands the definition of “gravely disabled” to also include a condition in which a person, as a result of a severe substance use disorder, a co-occurring mental health disorder and a severe substance use disorder and, or chronic alcoholism is unable to provide for their personal safety or necessary medical care.

BEHAVIORAL HEALTH SERVICES ACT (SB 326, EGGMAN)

If approved by the voters during the March 5, 2024 statewide primary election, SB 326 would change the name of the Mental Health Services Act to the Behavioral Health Services Act and expand it to include treatment of substance use disorders.

SUBSTANCE USE DISORDER (AB 1130, BERMAN)

Existing law authorizes a physician and surgeon to prescribe, dispense, or administer prescription drugs, including prescription controlled substances, to an ‘addict’. AB 1130 replaces the term ‘addict’ with the term with “a person with substance use disorder”.

CANCER SCREENING

CANCER PREVENTION ACT (AB 659: AGUIAR-CURRY)

AB 659 (a) expands the coverage requirement for an annual cervical cancer screening test to disability insurance policies that provide coverage for hospital, medical, or surgical benefits and (b) requires a health care to provide coverage without cost sharing for the HPV vaccine for persons for whom the vaccine is FDA approved.

CLIMATE CHANGE POLICY DECLARATION

CLIMATE RESTORATION (SR 34, CORTESE)

SR 34 recognizes the obligation to future generations to restore a safe climate, and declares climate restoration, along with achieving net-zero and net-negative CO2 emissions, a climate policy priority.

DECRIMINALIZATION OF CONTROLLED SUBSTANCES (SHROOMS)

MUSHROOM DECRIMINALIZATION (SB 58: WIENER) - VETOED BY GOVERNOR

On and after January 1, 2025, SB 58 would have made lawful the cultivation or transportation of specified quantities of spores or mycelium capable of producing mushrooms or other materials that contain psilocybin for personal use by and with persons 21 years of age or older.



MATERNAL, CHILD & (BLACK) INFANT HEALTH

CALIFORNIA PERINATAL EQUITY INITIATIVE (AB 1701: WEBER)

AB 1701 allocates funding for the purpose of expanding the scope of interventions provided under the Black Infant Health Program. Requires the state to fund to up to 15 local health jurisdictions. Requires grant recipients to implement or expand at least two of the following: group prenatal care; preterm birth screening; family planning; fatherhood or partnership initiatives; home visitation programs and case management; and, raise public awareness around birth outcome inequities, the importance of preconception health and to promote the role of fathers and partners as supports for women during and after pregnancy.

DOULAS (AB 904: CALDERON)

AB 904 requires a health care service plan or health insurer, on or before January 1, 2025, to develop a maternal and infant health equity program that addresses racial health disparities in maternal and infant health outcomes through the use of doulas.

MID-WIVES: PREGNANCY AND CHILDBIRTH (SB 667: DODD)

SB 667 authorizes a certified nurse-midwife...(1) to provide a patient with care outside of that scope of services, to provide intrapartum care to a patient who has had a prior cesarean section ..., or to furnish or order a Schedule II or III controlled substance, including care for common gynecologic conditions; and, (2) additionally authorizes a general acute care hospital or a special hospital specified as a maternity hospital to grant privileges to a certified nurse-midwife, allowing them to admit and discharge patients upon their own authority if in accordance with organized medical staff bylaws of that facility and within the nurse-midwife's scope of practice.

FAMILY PLANNING, ACCESS, CARE, AND TREATMENT PROGRAM (AB 1239: CALDERON)

AB 1239 requires the State Department of Health Care Services, no later than September 1, 2025, to issue a list of Family PACT Program providers and clinics to an entity designated by the Department of Corrections and Rehabilitation for voluntary partnership with the department to assist a prison inmate with continuing and receiving specified health care services upon their release.



PARKS AND OPEN SPACES (URBAN AREAS)

BALDWIN HILLS AND URBAN WATERSHEDS CONSERVANCY: WATERSHED AND OPEN-SPACE PLAN: REPORT (SB 835: SMALLWOOD-CUEVAS)

SB 835 requires a study of the potential environmental and recreational uses of the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area; and the development and adoption of an improvement plan.

SCHOOL-BASED HEALTH (EXTREME ALLERGIC REACTIONS)

EPINEPHRINE AUTO-INJECTORS (AB 1651: SANCHEZ)

AB 1651 requires school districts, county offices of education, and charter schools to, among other things, store those emergency epinephrine auto-injectors in an accessible location upon need for emergency use and include that location in specified annual notices.

SEXUAL HEALTH (FREE CONDOMS IN HIGH SCHOOLS)

SEXUAL HEALTH: CONTRACEPTIVES (SB 541, MENJIVAR) - VETOED BY GOVERNOR

SB 541 would (have) required public schools to make internal and external condoms available to all pupils in grades 9 to 12, free of charge.

TOBACCO ACCESS AND EXPOSURE

SMOKING TOBACCO IN THE WORKPLACE: TRANSIENT LODGING ESTABLISHMENTS (SB 626: RUBIO)

SB 626 eliminates exemptions from “place of employment” loopholes that allow smoking in certain work environments, including an exemption for up to 20% of the guestroom accommodations in a hotel, motel, or similar transient lodging establishment.

TOBACCO SALES: FLAVORED TOBACCO BAN (AB 935: CONNOLLY)

Existing law prohibits a tobacco retailer, or any of the tobacco retailer’s agents or employees, from selling, offering for sale, or possessing with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer, as those terms are defined, except as specified. Under existing law, a violation of this prohibition is punishable as an infraction. AB 935 provides for the enforcement of these provisions in a manner similar to the STAKE (Stop Tobacco Access to Kids) Act, and, instead of an infraction, make the provisions of the flavored tobacco ban punishable by civil penalties in the same manner as the STAKE Act.

TRANSGENDER HEALTH PROGRAM ACT

TRANSGENDER, GENDER VARIANT, AND INTERSEX WELLNESS REENTRY FUND (AB 1487: SANTIAGO)

Upon appropriation by the Legislature, AB 1487 creates the Transgender, Gender Variant, and Intersex Wellness Reentry Fund for purposes of funding grants to create programs, or funding existing programs, focused on reentry programming specifically to support transgender, gender variant, and intersex people who have experienced carceral systems.



VIOLENCE PREVENTION (TEENS, GUN TAXES AND GANGS)

FIREARMS AND AMMUNITION EXCISE TAX (AB 28: GABRIEL)

AB 28 makes changes to state statute that would result in 11% higher taxes on guns and ammo.

STRATEGIC ANTI-VIOLENCE FUNDING EFFORTS ACT (AB 912: JONES-SAWYER)

AB 912 establishes, upon appropriation by the Legislature, the Department of Justice Violence Reduction Grant Program for the purpose of supporting evidence-based, focus-deterrence collaborative programs that conduct outreach to targeted gangs and offer supportive services to preemptively reduce and eliminate violence and gang involvement.

TEEN DATING VIOLENCE PREVENTION EDUCATION: ONLINE INFORMATION AND RESOURCES (AB 1071, HOOVER)

AB 1071 requires the State Department of Education's internet website to make (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes, (2) information about local and national hotlines and services for youth experiencing teen dating violence, and (3) other relevant materials for parents, guardians, and other caretakers of pupils, available on its internet website.

WATER QUALITY (ENVIRONMENTAL EQUITY/LEAD EXPOSURE)

LEAD TESTING (AB 249: HOLDEN)

AB 249 requires community water systems that serves schoolsites to test for lead in the potable water system outlets of the schoolsites and report results before January 1, 2027.





LIST 2. LIST OF HEALTH AWARENESS RELATED LEGISLATION (N = 53)

AWARENESS DAYS (N = 19)

- Abused Women and Children Awareness Day - June 13, 2023 (ACR 89: Calderon)
- California Fitness Day - May 2, 2023 (SR 15: Seyarto)
- California Kidney Day - March 9, 2023 (ACR 21: Weber)
- California Ocean Day - April 11, 2023 (ACR 46: Pellerin)
- Denim Day in California - April 26, 2023 (SCR 44: Caballero)
- Gangliosidosis Awareness Day - May 23, 2023 (SCR 68: Padilla)
- Hereditary and Genetic Cancer Awareness Day - May 3, 2023 (SCR 33: Dodd)
- Hypertrophic Cardiomyopathy Awareness Day - last of February (SR 14: Becker)
- International Day for the Elimination of Racial Discrimination - March 21, 2023 (ACR 37: Jackson)
- Latina Equal Pay Day - October 5, 2023 (SCR 73: Gonzalez)
- National Fentanyl Awareness Day - May 9, 2023 (SCR 39: Umberg)
- National Gun Violence Awareness Day - June 2, 2023 (HR 39: Gabriel)
- Necrotizing Enterocolitis Awareness Day - May 17, 2023 (ACR 69: Aguiar-Curry)

- Ostomy Awareness Day - October 7, 2023 (SCR 85: Niello)
- Tuberous Sclerosis Complex Awareness Day - May 15, 2023 (SR 35: Caballero)
- Wear Red Day February 3, 2023 (SCR 18: Menjivar)
- Women In Pain Awareness Day - September 1, 2023 (SR 48: Durazo)
- Women's Equal Pay Day - April 2, 2023 (ACR 42: Addis)
- World Hepatitis Day Recognition - July 28, 2023 (ACR 104: Low)

AWARENESS WEEKS (N = 4)

- Black Conservation Week - First Full Week of May, Every Year.(AR 32: McKinnor)
- Black Health Equity Advocacy Week - 1st Week of May (ACR 53: Weber)
- Eating Disorders Awareness Week - Week Beginning on February 20, 2023 (SCR 14: Dodd)
- Lung Cancer Action Week - second week in May (HR 35: Reyes)

AWARENESS MONTHS (N = 30)

- Alcohol Awareness Month - April 2023 (ACR 61: Waldron)
- Alzheimer's Disease and Brain Awareness Month - June 2023 (ACR 64: Bains)

- American Heart Month - February 2023 (SCR 18: Menjivar)
- Bleeding Disorders Awareness Month - March 2023 (ACR 23: Weber)
- Breastfeeding Awareness Month - August 2023 (SCR 86: Bogh)
- California Moves for Physical and Mental Fitness Month - May 2023 (ACR 55: Irwin)
- Child Abuse Prevention Month - April 2023 (SCR 34: Ashby)
- Children's Dental Health Month - February 2023 (ACR 10: Weber)
- Cervical Cancer Awareness Month - January 2023 (SR 11: Alvarado-Gil)
- Elder and Dependent Adult Abuse Awareness Month - June 2023 (SCR 64: Dodd)
- Fatherhood Well-Being Month - June of every year (HR 36: Gipson)
- Foster Youth Awareness Month - May 2023 (SCR 65: Ashby)
- Guillain-Barré Syndrome Awareness Month - May 2023 (ACR 14: Luz Rivas)
- Healthy Homes Awareness Month - June 2023 (ACR 95: Wicks)
- Latina Maternal Health Awareness Month - May 2023

(SCR 66: Hurtado)

- Lupus Awareness Month - May 2023 (ACR 79: Connolly)
- Maternal Mental Health Awareness Month - May 2023 (ACR 70: Pellerin)
- Mental Health Awareness Month - May 2023 (ACR 75: Ramos; SR 39: Wiener)
- National Bike Month in California - May 2023 (SCR 67: Portantino)
- Older Californians Month - May 2023 (ACR 39: Bains; SCR 5: Nguyen)
- Osteoporosis Awareness and Prevention Month - May 2023 (ACR 82: Weber)
- Ovarian Cancer Awareness Month - September 2023 (ACR 111: Papan)
- Pain Awareness Month - September 2023 (SR 48: Dura-zo)
- Parks Make Life Better Month - July 2023 (ACR 66: Wil-son)
- Positive Parenting Awareness Month - January 2023 (ACR 4: Addis)
- Sexual Assault Awareness Month - April 2023 (SCR 44: Caballero)
- Stiff Person Syndrome Awareness Month - March 2023 (SR 17: Archuleta)

- Sudden Infant Death Syndrome (SIDS) Awareness Month - October 2023 (ACR 97: Ward)
- Suicide Prevention Awareness Month - September 2023 (ACR 106: Pellerin)
- Triple-Negative Breast Cancer Awareness Month - March 2023 (ACR 28: Reyes)





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