

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 992

**Introduced by Assembly Member ~~Ridley-Thomas~~ Members
Ridley-Thomas and Koretz
(Coauthors: Assembly Members Goldberg and Nunez)
(Coauthor: Senator Soto)**

February 20, 2003

An act to add Chapter 2.8 (commencing with Section 12330) to Title 2 of Part 4 of the Penal Code, relating to ammunition, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 992, as amended, Ridley-Thomas. Ammunition: Trauma Center Fund.

Existing law generally regulates the sale of ammunition.

This bill would impose a fee of 10¢ on every munition, as defined, sold at retail. The fees would be paid to the State Board of Equalization, and deposited in the ~~Trauma Center~~ *Firearm Injuries Medical Services Reimbursement* Fund, a continuously appropriated fund that would be established by the bill. The ~~Trauma Center~~ *Firearm Injuries Medical Services Reimbursement* Fund would be used to ~~reimburse emergency services providers for the costs of treating gunshot wounds and injuries~~ *pay for firearm-injury related medical and preventative services programs*, as specified. The funds in the ~~Trauma Center~~ *Firearm Injuries Medical Services Reimbursement* Fund would be allocated by the Emergency Medical Services Authority to the medical providers by a specified formula.

By establishing a continuously appropriated fund, this bill would make an appropriation.

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

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

SECTION 1. Chapter 2.8 (commencing with Section 12330) is added to Title 2 of Part 4 of the Penal Code, to read:

CHAPTER 2.8. FIREARMS-RELATED EMERGENCY SERVICES
REIMBURSEMENT

12330. (a) (1) There shall be imposed a fee upon all munitions sold at retail at the rate of 10 cents (\$0.10) for each munition sold at retail in this state on or after January 1, 2004.

(2) *Except as provided in paragraph (1), the fee shall also be imposed upon and paid by the purchaser of munitions for munitions purchased outside of the state and that are intended to be stored or used in the state.*

(3) *The fee imposed pursuant to this section shall not exceed the costs authorized for expenditure pursuant to subdivisions (f) and (g).*

(b) The fees imposed by this section shall be administered and enforced by the State Board of Equalization.

(c) For purposes of this section, “munition” means ~~a either a finished munition product consisting of a projectile with its fuse, propelling charge, or primer fired from a weapon, or any of the individual components thereof, or a primer component, as applicable.~~ “Munition” does not include a BB or a pellet commonly used in an air rifle or pistol.

(d) The fee provided for in this section may not be imposed upon any munition *or primer component* purchased by any peace officer required to carry a firearm while on duty, or by any governmental law enforcement agency employing that officer, *for use in the normal course of employment.*

(e) All amounts required to be paid to the state under this section shall be paid to the State Board of Equalization in the form of remittances that are payable to that board and are separate from the remittance of any other fee. The board shall transmit the

1 payments to the Treasurer to be deposited in the State Treasury to
2 the credit of the ~~Trauma Center~~ *Firearm Injuries Medical Services*
3 *Reimbursement* Fund, which is hereby created.

4 (f) Notwithstanding Section 13340 of the Government Code,
5 the ~~Trauma Center~~ *Firearm Injuries Medical Services*
6 *Reimbursement* Fund is continuously appropriated, without regard
7 to fiscal years, as follows:

8 (1) To the State Board of Equalization ~~for both of the~~
9 ~~following:~~

10 ~~(A) To to pay for the board's cost of implementation and~~
11 ~~administration of this section, which cost in any fiscal year may not~~
12 ~~exceed 10 5 percent of the total amount of moneys deposited in the~~
13 ~~fund in that fiscal year.~~

14 ~~(B) To pay refunds in accordance with this section.~~

15 (2) The balance to the Emergency Medical Services Authority
16 ~~for allocation, once each fiscal year, to local emergency medical~~
17 ~~service agencies to support hospital emergency departments and~~
18 ~~certified trauma centers in delivering trauma care. The authority~~
19 ~~shall allocate these moneys to these agencies pursuant to written~~
20 ~~guidelines adopted by the authority, which guidelines shall utilize~~
21 ~~the following criteria:~~

22 ~~(A) The number of victims of gunshot wounds treated by~~
23 ~~hospital emergency departments and certified trauma centers in~~
24 ~~the area served by the agency in proportion to the number of~~
25 ~~victims of gunshot wounds treated by all hospital emergency~~
26 ~~departments and certified trauma centers in the state in the fiscal~~
27 ~~year immediately preceding the allocation.~~

28 ~~(B) The incidence of gun violence in the area served by the~~
29 ~~agency in proportion to the incidence of gun violence in the state~~
30 ~~in the fiscal year immediately preceding the allocation.~~

31 ~~(C) The approved emergency service plan and trauma care plan~~
32 ~~of the agency.~~

33 ~~(D) The proportion of the state's population that lived in the~~
34 ~~area served by the agency in the fiscal year immediately preceding~~
35 ~~the allocation.~~

36 ~~(E) Any other criteria deemed by the authority to further the~~
37 ~~objectives of this subdivision.~~

38 ~~(3) Each local emergency medical service agency shall, once~~
39 ~~each fiscal year, allocate the moneys it receives pursuant to~~
40 ~~paragraph (2) to hospital emergency departments or certified~~

1 ~~trauma centers in the area served by the agency. The amount to be~~
2 ~~allocated to a hospital emergency department or certified trauma~~
3 ~~center shall be determined by the authority pursuant to written~~
4 ~~guidelines adopted by the authority, which guidelines shall utilize~~
5 ~~the following criteria:~~

6 ~~(A) The number of victims of gunshot wounds treated by the~~
7 ~~hospital emergency department or certified trauma center in~~
8 ~~proportion to the number of victims of gunshot wounds treated by~~
9 ~~all emergency departments and certified trauma centers in the area~~
10 ~~served by the agency in the fiscal year immediately preceding the~~
11 ~~allocation.~~

12 ~~(B) The location of hospital emergency departments and~~
13 ~~certified trauma centers as specified in the approved emergency~~
14 ~~service plan and trauma care plan of the agency.~~

15 ~~(C) Any other criteria deemed by the authority to further the~~
16 ~~objectives of this subdivision.~~

17 ~~(g) (EMSA). EMSA may expend an amount not to exceed 5~~
18 ~~percent of the total amount of moneys received from the board in~~
19 ~~any fiscal year to pay for cost of implementation and~~
20 ~~administration of this section.~~

21 ~~(g) Claims for the uncompensated costs of firearms injuries~~
22 ~~shall be submitted to EMSA. EMSA is authorized to expend money~~
23 ~~from the Firearm Injuries Medical Services Reimbursement Fund~~
24 ~~to provide direct payments, on a quarterly basis, for firearm-injury~~
25 ~~related medical and preventive program services, as defined by~~
26 ~~EMSA for claims made to EMSA for reimbursement.~~
27 ~~Reimbursement shall be made in descending order of priority for~~
28 ~~the following three tiers. No payment shall be made to claimants~~
29 ~~in a lower tier unless all claims in a tier with higher priority have~~
30 ~~been satisfied.~~

31 ~~(1) Tier 1 shall have the highest priority for reimbursement, and~~
32 ~~shall consist of physicians, surgeons, and hospitals.~~
33 ~~Reimbursement may be made for the uncompensated cost of~~
34 ~~serving patients who do not make full payment for services and for~~
35 ~~whom no responsible third party makes full payment.~~
36 ~~Reimbursement may also be made for the uncompensated costs of~~
37 ~~programs to prevent gunshot injuries.~~

38 ~~(2) Tier 2 shall have the next level of reimbursement priority,~~
39 ~~and shall consist of other medical service providers, as determined~~
40 ~~by EMSA, for the uncompensated cost of serving patients who do~~

1 *not make full payment for services and for whom no responsible*
2 *third party makes full payment.*

3 *(3) Tier 3 shall have the next level of reimbursement priority,*
4 *and shall consist of other medical insurance programs*
5 *administered by the state. Reimbursement shall be in an amount*
6 *proportionate to the program's funding from non-federal sources,*
7 *for the uncompensated cost of serving patients who do not make*
8 *full payment for services and for whom no responsible third party*
9 *makes full payment.*

10 *(h) If EMSA determines that the claims for payment for firearm*
11 *injuries-related medical services, if paid, would exceed the total*
12 *amount of funds available for payments, EMSA shall fairly*
13 *prorate, without preference, except for the priority of tiers set forth*
14 *in subdivision (g), payments to each claimant at an amount less*
15 *than the maximum payment level.*

16 *(i) Claimants shall reimburse the Firearm Injuries Medical*
17 *Services Reimbursement Fund for any reimbursement for firearm*
18 *injuries costs that is later paid from some other source.*

19 *(j) If the amount credited to the Firearm Injuries Medical*
20 *Services Reimbursement Fund exceeds the amount necessary to*
21 *fully cover reimbursable costs pursuant to subdivision (g), the*
22 *State Board of Equalization shall temporarily adjust, for the*
23 *following one-year period, the fee to be charged pursuant to*
24 *subdivision (a) to an amount estimated to deplete any surplus in*
25 *the fund during the next calendar year.*

26 *(k) Except as provided in subdivision (j), the fee imposed*
27 *pursuant to subdivision (a) shall be increased by one cent every*
28 *two years, commencing January 1, 2006, provided however, that*
29 *fee imposed pursuant to this section shall not exceed the costs*
30 *authorized for expenditure pursuant to subdivisions (f) and (g).*

31 *(l) The Board of Equalization and the Emergency Medical*
32 *Services Authority shall adopt regulations necessary to implement*
33 *this chapter.*