

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1371

Introduced by Assembly Member V. Manuel Pérez

February 18, 2011

~~An act to amend Section 127620 of the Health and Safety Code, relating to public health. An act to add and repeal Sections 12599.5 and 12635.5 of the Health and Safety Code, relating to fireworks, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1371, as amended, V. Manuel Pérez. ~~Rural health care reform.~~
Fireworks.

(1) Existing law authorizes the retail sale of safe and sane fireworks from June 28 to July 6, annually, pursuant to a license issued by the State Fire Marshal, unless otherwise prohibited or regulated by law or ordinance.

This bill would authorize, until January 2, 2018, the sale of certified safe and sane fireworks from 9 a.m. on December 26 to midnight of January 1 of the following year pursuant to a license issued by the State Fire Marshal, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks. Since a violation of this provision or other existing related provisions in connection with the sale of those fireworks would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes.

(2) Existing law requires the State Fire Marshal to establish and collect the original and annual renewal fees for fireworks licenses that

are required by applicable laws, and to adopt regulations relating to the granting of permits by public agencies with local jurisdiction.

This bill would require, until January 1, 2018, the State Fire Marshal to establish and collect an additional fee on permits for dangerous fireworks issued to licensees in an amount necessary to enforce applicable laws with respect to training and education regarding dangerous fireworks. The fees would be deposited in the State Fire Marshal Dangerous Fireworks Training and Education Fund, which the bill would establish. Moneys in this fund would be continuously appropriated without regard to fiscal years to the State Fire Marshal for the purpose of training local fire and law enforcement agencies. The bill would authorize a local fire department, local fire protection agency, local law enforcement agency, or any other public agency authorized by statute to enforce the State Fire Marshal’s regulations, to apply to the State Fire Marshal for a grant to develop and implement an education and training program for those purposes.

(3) 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 no reimbursement is required by this act for a specified reason.

~~Existing law requires the Office of Statewide Health Planning and Development, in conjunction with the State Department of Health Care Services, to act as the coordinating agency to develop a strategic plan that would assist rural California to prepare for health care reform, as specified.~~

~~This bill would make technical nonsubstantive changes to the law relating to rural health care reform.~~

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

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

- 1 SECTION 1. Section 12599.5 is added to the Health and Safety
- 2 Code, to read:
- 3 12599.5. (a) Notwithstanding Sections 12599 and 12672, each
- 4 year from 2012 to 2017, inclusive, the State Fire Marshal shall
- 5 issue separate one-time retail licenses pursuant to this section that
- 6 shall authorize the retail sale of safe and sane fireworks within

1 *this state only from 9 a.m. on December 26, of a year within 2012*
2 *to 2017, inclusive, to midnight of January 1 of the following year,*
3 *inclusive. A license issued pursuant to this section shall be valid*
4 *for only one seven-day period and shall expire at the end of the*
5 *period for which it is valid. All fireworks sold pursuant to a license*
6 *issued pursuant to this section shall have been certified as safe*
7 *and sane by the State Fire Marshal as of June of the year in which*
8 *the validity of the license commences. No other license issued*
9 *pursuant to this chapter shall authorize the sale of fireworks during*
10 *that period.*

11 *(b) No retail license shall be issued for the license period*
12 *authorized by this section unless the city, county, or city and county*
13 *having jurisdiction over the fixed location where the fireworks*
14 *would be sold adopts an ordinance or resolution allowing that*
15 *sale, and the application for that license is received by the State*
16 *Fire Marshal on or before December 15 of the year in which the*
17 *validity of the license is to commence. The ordinance or resolution*
18 *authorizing the sale of those fireworks may limit the period of use*
19 *of those fireworks to specified days and hours within the period*
20 *during which the sale is authorized by this section.*

21 *(c) This section shall become inoperative on January 2, 2018,*
22 *and, as of January 1, 2019, is repealed, unless a later enacted*
23 *statute, that is enacted before January 1, 2019, deletes or extends*
24 *the dates on which it becomes inoperative and is repealed.*

25 *SEC. 2. Section 12635.5 is added to the Health and Safety*
26 *Code, to read:*

27 *12635.5. (a) The State Fire Marshal Dangerous Fireworks*
28 *Training and Education Fund is hereby established in the State*
29 *Treasury. Notwithstanding Section 13340 of the Government Code,*
30 *this fund is continuously appropriated without regard to fiscal*
31 *years to the State Fire Marshal for the purpose of training local*
32 *fire and law enforcement agencies regarding the identification,*
33 *risks, dangers, and proper disposal associated with dangerous*
34 *fireworks seized pursuant to this part.*

35 *(b) Pursuant to Section 12630, the State Fire Marshal shall*
36 *establish and collect an additional fee on permits for dangerous*
37 *fireworks issued pursuant to Section 12640 in an amount necessary*
38 *to enforce this part with respect to training and education*
39 *regarding dangerous fireworks. Notwithstanding Section 12635,*

1 *these fees shall be deposited in the State Fire Marshal Dangerous*
2 *Fireworks Training and Education Fund.*

3 *(c) A local fire department, a local fire protection agency, a*
4 *local law enforcement agency, or any other public agency*
5 *authorized by statute to enforce the State Fire Marshal's*
6 *regulations may apply to the State Fire Marshal for a grant for*
7 *its costs in developing or implementing an education and training*
8 *program pursuant to this section.*

9 *(d) This section shall remain in effect only until January 1, 2018,*
10 *and as of that date is repealed, unless a later enacted statute, that*
11 *is enacted before January 1, 2018, deletes or extends that date.*

12 *SEC. 3. No reimbursement is required by this act pursuant to*
13 *Section 6 of Article XIII B of the California Constitution because*
14 *the only costs that may be incurred by a local agency or school*
15 *district will be incurred because this act creates a new crime or*
16 *infraction, eliminates a crime or infraction, or changes the penalty*
17 *for a crime or infraction, within the meaning of Section 17556 of*
18 *the Government Code, or changes the definition of a crime within*
19 *the meaning of Section 6 of Article XIII B of the California*
20 *Constitution.*

21 ~~SECTION 1. Section 127620 of the Health and Safety Code~~
22 ~~is amended to read:~~

23 ~~127620. (a) The Office of Statewide Health Planning and~~
24 ~~Development, in conjunction with the State Department of Health~~
25 ~~Care Services, shall act as the coordinating agency to develop a~~
26 ~~strategic plan that would assist rural California to prepare for health~~
27 ~~care reform. The plan shall assist in the coordination and~~
28 ~~integration of all rural health care services on the birth to death~~
29 ~~continuum and serve as an infrastructure for rural communities to~~
30 ~~establish priorities and develop appropriate programs.~~

31 ~~(b) The office shall designate representatives from provider~~
32 ~~groups including rural hospitals, clinics, physicians, other rural~~
33 ~~providers including psychologists, counties, beneficiaries, and~~
34 ~~other entities directly affected by the plan. The office shall convene~~
35 ~~meetings with the objectives of doing all of the following:~~

36 ~~(1) Assessing the current status of health care in rural~~
37 ~~communities.~~

38 ~~(2) Assembling and reviewing data related to available programs~~
39 ~~and resources for rural California.~~

- 1 ~~(3) Assembling and reviewing data related to other states'~~
2 ~~strategic plans for rural communities.~~
- 3 ~~(4) Reviewing and integrating the office's rural work plan, as~~
4 ~~appropriate.~~
- 5 ~~(5) Making assumptions about the future of health care and~~
6 ~~developing a strategic plan based on these assumptions.~~
- 7 ~~(e) The rural health care strategic plan shall address all of the~~
8 ~~following:~~
 - 9 ~~(1) The special needs of the elderly and of ethnic populations.~~
 - 10 ~~(2) Elimination of barriers in planning and coordinating health~~
11 ~~services.~~
 - 12 ~~(3) The lack of primary and specialty providers.~~
 - 13 ~~(4) Access to emergency services.~~
 - 14 ~~(5) Assessing the role of new technologies, including, but not~~
15 ~~limited to, telemedicine.~~