

AMENDED IN SENATE MARCH 10, 2003

SENATE BILL

No. 108

Introduced by Senator Romero

(Principal coauthors: Assembly Members Chu and Koretz)

(Coauthors: Senators Alarcon, Escutia, *Kuehl*, and Soto)

~~(Coauthor: Assembly Member Longville)~~

(Coauthors: Assembly Members Lieber and Longville)

January 30, 2003

An act to add Section 23335 to the Business and Professions Code, and to add Chapter 13 (commencing with Section 1900) to Division 2.5 of the Health and Safety Code, relating to emergency medical services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 108, as amended, Romero. Emergency medical services: alcohol: fee.

The Alcoholic Beverage Control Act imposes various functions and duties on the Department of Alcoholic Beverage Control with respect to the sale of alcoholic beverages and related licensing.

This bill would enact the Alcohol-Related Emergency Services Reimbursement Act of 2003, which would require the department to collect a \$0.05 per drink fee, based upon a specified formula, from any wholesaler located within the state who distributes alcoholic beverages to retailers for consumption in the state. The bill would establish the Alcohol-Related Emergency Services Reimbursement Trust Fund, to be administered by the State Department of Health Services, would allocate funds collected from the imposition of the fees, and would continuously appropriate money from the fund to the State Department of Health Services for allocation to local emergency medical services

providers that meet the qualifications established by the department for reimbursement of expenses incurred in providing services for alcohol-related emergencies, and to the Department of Alcoholic Beverage Control and the State Department of Health Services for costs associated with implementing the above provisions.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Emergency medical services are inadequate to properly
- 4 meet the needs of the residents of California.
- 5 (b) In the last 10 years, over 70 emergency rooms and trauma
- 6 centers have shut their doors in the state.
- 7 (c) Alcohol-related incidents on California roads cost over \$3
- 8 billion per year in monetary costs.
- 9 (d) Alcohol is a factor in nearly one-third of all vehicle crashes
- 10 in the state, and emergency rooms and trauma centers are the
- 11 primary medical services providers for those injured in these
- 12 incidents.
- 13 (e) From July 1, 2000, to June 30, 2001, inclusive, 60 percent
- 14 of all patients admitted to emergency rooms and trauma centers in
- 15 Los Angeles County tested positive for alcohol.
- 16 (f) Emergency rooms and trauma centers can no longer afford
- 17 to continue to pay for these services without reimbursement.
- 18 (g) Alcohol distributors within the State of California should
- 19 reimburse the state for moneys expended by the state as a direct
- 20 result of the use and abuse of these products.
- 21 (h) The State of California is facing an unprecedented budget
- 22 shortfall that necessitates drastic cuts in programs and services to
- 23 the people of California.
- 24 (i) The State of California cannot continue to subsidize the
- 25 costs associated with the consumption of alcoholic beverages
- 26 within the state.
- 27 (j) The Alcohol-Related Emergency Services Reimbursement
- 28 Act of 2003 is necessary to combat the adverse effects of alcohol
- 29 use and abuse.



1 SEC. 2. This act shall be known, and may be cited, as the
2 Alcohol-Related Emergency Services Reimbursement Act of
3 2003.

4 SEC. 3. Section 23335 is added to the Business and
5 Professions Code, to read:

6 23335. (a) The Department of Alcoholic Beverage Control
7 shall collect a five-cent (\$0.05) per drink fee from any wholesaler
8 located within the state who distributes alcoholic beverages to
9 retailers for consumption in the state. The fee shall be based on
10 1.50 ounces of distilled spirits, 12 ounces of beer, and 5 ounces of
11 table wine.

12 (b) All funds collected pursuant to subdivision (a) shall be
13 deposited in the Alcohol-Related Emergency Services
14 Reimbursement Trust Fund established pursuant to Chapter 13
15 (commencing with Section 1900) of Division 2.5 of the Health and
16 Safety Code.

17 (c) The department shall be reimbursed for costs associated
18 with implementing this section pursuant to Section 1901 of the
19 Health and Safety Code.

20 (d) Fees collected pursuant to this section shall be used solely
21 to implement this section and Chapter 13 (commencing with
22 Section 1900) of Division 2.5 of the Health and Safety Code. The
23 department shall not collect fees pursuant to this section in excess
24 of the amount needed to fully implement this section and Chapter
25 13 (commencing with Section 1900) of Division 2.5 of the Health
26 and Safety Code.

27 SEC. 4. Chapter 13 (commencing with Section 1900) is added
28 to Division 2.5 of the Health and Safety Code, to read:

29

30 CHAPTER 13. ALCOHOL-RELATED EMERGENCY SERVICES

31 REIMBURSEMENT TRUST FUND

32

33 1900. The Alcohol-Related Emergency Services
34 Reimbursement Trust Fund is hereby created in the State Treasury.
35 The fund shall be administered by the State Department of Health
36 Services. The fund shall consist of fees collected by the
37 Department of Alcoholic Beverage Control from wholesalers
38 located within the state who distribute alcoholic beverages to
39 retailers for consumption in the state, pursuant to Section 23335
40 of the Business and Professions Code. Notwithstanding Section



1 13340 of the Government Code, all moneys in the fund are
2 continuously appropriated to the State Department of Health
3 Services, without regard to fiscal years, for purposes of
4 implementing this chapter.

5 1901. Moneys in the fund shall be allocated to the following
6 persons and entities:

7 (a) Local emergency medical services providers, including
8 ~~emergency rooms, trauma centers, and, but not limited to,~~
9 *emergency departments, trauma centers, emergency and oncall*
10 *physicians, and other* emergency medical professionals and
11 entities, that meet the qualifications established by the department
12 for reimbursement of expenses incurred in providing services for
13 alcohol-related emergencies. An alcohol-related emergency
14 includes an incident that results in the provision of medical
15 services, including transportation services, to a victim who is
16 injured as a result of, or in which a causative agent was, the
17 ingestion of alcohol. The department shall adopt regulations that
18 establish criteria to identify incidents and emergencies that qualify
19 as alcohol-related emergencies.

20 (b) The Department of Alcoholic Beverage Control, for the
21 costs associated with collecting the fee specified in Section 23335
22 of the Business and Professions Code.

23 (c) The department, for the costs associated with implementing
24 this chapter.

25 1902. Qualifying persons or entities shall submit forms to the
26 department for purposes of obtaining reimbursement under this
27 chapter.

28 1903. The department shall adopt regulations necessary to
29 implement this chapter.

