



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

County Manager's Office

**DATE:** August 14, 2001

**BOARD MEETING DATE:** August 21, 2001

**TO:** Honorable Board of Supervisors  
**FROM:** John L. Maltbie, County Manager  
**SUBJECT:** County Manager's Report #8

**1) Summary of 2001 Legislative Action**

Attached for your review is a summary of action taken by the Board on state and federal legislation in 2001, including a current status report for each bill.

**2) Pending Legislation: Request for Action**

**SB 187 (Vasconcellos): Medical Marijuana Registry Identification Card Program**

State law enforcement agencies have requested guidance concerning the Compassionate Use Act of 1996, which prohibits criminal prosecution of persons who possess and use marijuana for the treatment of serious medical conditions. A task force convened by Attorney General Lockyer developed the registry identification card program set forth in this bill. Participation in the program is voluntary, and qualifying patients would have the option of applying to the county health department for a registry identification card. DHS would issue cards to patients, and their primary caregivers, after the county health department verifies that the patient's attending physician has recommended the use of marijuana for medical purposes.

The California District Attorneys Association and California State Sheriffs' Association support SB 187, as the identification cards would assist law enforcement officers to quickly verify the legitimacy of an individual's possession/use of marijuana for medical purposes. The registry would also collect data that could benefit ongoing research in the county concerning the use of medical marijuana.

I request your consideration of the attached resolution in support of this bill.

**HR 1157 (Thompson): Salmon Habitat Restoration**

Salmon fishing contributes to the economic interests as well as quality of life of many San Mateo County residents, particularly those living in coastal communities. Several environmental factors threaten the survival of salmon and trout found in the Pacific Northwest: at this time 26 salmon species are listed as either endangered or threatened, one is proposed to be listed and five are candidate species under the Endangered Species Act. This bill would appropriate \$200 million annually, for fiscal years 2002 through 2004, to finance salmon habitat restoration projects in five states, including California. Funds may be used to carry out watershed evaluation, salmon-related research, salmon supplementation, habitat restoration, technical training/education projects and other related activities.

I request your consideration of the resolution in support of this bill.

**3) Federal Patients' Bill of Rights: Informational/Discussion Item**

After six years of intense debate, Congress appears close to enactment of a Patients' Bill of Rights ("PBOR"). Besides guaranteeing patients the right to choose their own doctor, see a specialist, and receive emergency treatment, this federal legislation grants patients the right to sue their health plans for denial/delay of care. At this time, there are major differences between the House and Senate versions of the PBOR, which need to be resolved in conference committee after Congress reconvenes in September. Many in California are closely monitoring this legislation, concerned that the federal provisions may undermine the reform protections that were recently implemented in the State.

One protection in both versions of the bill, which has received very little press, is the expansion of protection for Americans that have their medical expenses paid by their employer, through an employer "self-insurance" plan. While the majority of states (37) have enacted laws to protect patients in managed health plans, more than 190 million people across the country, including over 5 million California residents, are not currently covered by such state laws because their employers pay their medical claims rather than providing medical insurance. Both versions of the PBOR would change existing federal law that exempts such employers who "self-insure" from state regulation.

Daniel Zingale, Director of California's newly created Department of Managed Health Care, is critical of the House version of the bill, saying it would "gut" California's recently implemented state reforms, particularly the state's "independent review" system. The House bill would require non-indigent patients to pay a fee, up to \$25, to appeal their health plan's refusal to pay for treatment. Currently, there is no patient fee to initiate an appeal and health plans pay the full cost, which ranges from \$395-\$2,500 per review. Zingale notes that, currently, such reviews are "independent" in that a panel of medical experts *selected by the state* hears the appeal. Under the House bill, health plans would be allowed to select the review panel. Californians would also lose their ability to submit oral requests for a review, if the HMO asks for written requests.

Interestingly, Zingale supports the more controversial part of the PBOR, placing caps on damage awards. Under state law, patients can collect unlimited damages in a lawsuit or arbitration, provided they first submit their case to the state's independent review panel. The House version of the PBOR places a cap on damages for pain and suffering awards (\$1.5 million) and also on punitive damages (\$1.5 million). The Senate bill, consistent with California law, does not place a cap on pain and suffering, however, it would place a \$5 million

cap on punitive damages.

At this time, it is unclear whether the PBOR that is ultimately adopted by Congress will supersede state law. The House version of the bill contains language that appears to do so, whereas, the Senate bill contains a provision allowing states to keep their existing rules, provided officials certify that they meet or exceed the protections of federal law.

### **3) State Legislative Schedule**

The Legislature has been on summer recess since passage of the budget bill on July 23, 2001 and is expected to reconvene on August 20, 2001. Bills must pass out of fiscal committees by August 31, 2001. From September 3 through 14, only conference committees may meet as bills proceed to the floor for final consideration. September 7 is the last day that bills may be amended on the floor. September 14 is the last day for each house to pass bills. The Governor has until October 14, 2001 to sign or veto any bills in his possession. After September 14, 2001, the Legislature enters the Interim Study Recess and does not reconvene until January 7, 2002.

In Washington, the Legislature is also on a month-long, summer break and will reconvene September 4, 2001.



RESOLUTION NO. \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION IN SUPPORT OF SENATE BILL 187 (VASCONCELLOS)  
ESTABLISHING A STATEWIDE REGISTRY IDENTIFICATION CARD  
PROGRAM**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, existing state law, the Compassionate Use Act of 1996, prohibits physicians from being punished for recommending the use of marijuana for the treatment of patients with serious medical conditions and exempts such patients from prosecution for possession or cultivation of marijuana for medical purposes;

WHEREAS, state law enforcement officials have asked for guidance and a system to reduce unnecessary arrests and prosecutions of persons using marijuana for medical uses pursuant to their attending physician's written or oral recommendation;

WHEREAS, a task force convened by the State Attorney General recommended adoption of a registry identification card system to assist law enforcement in determining which individuals have obtained such a recommendation from their attending physician;

WHEREAS, the information collected by the registry will be beneficial to on-going research regarding the need for medical marijuana for treatment of serious medical conditions that are not adequately alleviated through the use of conventional medications;

WHEREAS, SB 187 (Vasconcellos) would establish a statewide registry identification card system for patients and their primary caregivers, as well as require the State Department of Health Services to adopt regulations to clarify issues arising under the Act; and

NOW, THEREFORE BE IT RESOLVED that the San Mateo County Board of Supervisors supports Senate Bill 187, establishing a statewide registry identification card system and directing the DHS to adopt regulations specifying the amount of marijuana to be used by an individual and setting forth methods, procedures and criteria for collective cultivation projects to ensure lack of contamination and prevent diversion of medical marijuana to unauthorized users.

RESOLUTION NO. \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION IN SUPPORT OF HOUSE RESOLUTION 1157 (THOMPSON)  
PROVIDING FINANCIAL ASSISTANCE FOR SALMON HABITAT  
RESTORATION**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, salmon fishing contributes to the economic interests as well as quality of life of many of San Mateo County's coastal residents;

WHEREAS, pacific salmon and steelhead trout face numerous obstacles on their migratory route to spawn, including dams, predators, commercial and recreational harvest and changing ocean conditions that inhibit reproduction and threaten their survival;

WHEREAS, at this time, 26 salmon species are listed as either endangered or threatened, one is proposed to be listed, and five are candidate species under the Endangered Species Act;

WHEREAS, four states, including California have been requesting funding from the federal government since 1998, to establish a coast-wide Pacific salmon restoration and conservation fund;

WHEREAS, these states have received federal funding over the last two years to establish programs to restore salmon habitats, however, much more needs to be done;

WHEREAS, HR 1157(Thompson) would establish the Pacific Salmon Recovery Act, providing financial assistance to five states, including California, to support salmon habitat restoration projects in coastal waters and upland drainages; and

NOW, THEREFORE BE IT RESOLVED that the San Mateo County Board of Supervisors supports House Resolution 1157, providing an annual appropriation of \$200 million for fiscal years 2002 through 2004, to finance salmon restoration projects, including but not limited to watershed evaluation, salmon-related research, salmon supplementation, habitat restoration, technical training/education projects and other related activities.