



CALIFORNIA  
HIV / AIDS POLICY  
RESEARCH CENTERS

# Legislation and Policy Practice

Aaron Fox

Director of Government Relations

Los Angeles LGBT Center

Craig Pulsipher

State Affairs Specialist

APLA Health



# Overview

---

- About CHPRC
- Rapid research process
- Epidemiological overview
- Federal/State HIV policy goals
- Key HIV policy issues
- Key HIV programs
- State legislative process
- State budget process
- Effective strategies for advocacy
- Case examples



# Rapid Response Research

---

The Centers will bring the most relevant and timely evidence to bear on HIV/AIDS policy in order to develop and maintain efficient, accessible, state-of-the-art programs and services for the diverse populations of Californians living with or at risk for HIV/AIDS.



# Epidemiological Overview

---

- Approximately 151,493 people living with HIV (PLWH) in California in 2016
- Among the 132,405 persons living and diagnosed with HIV
  - 87% diagnosed
  - 61% virally suppressed
- Approximately 5,000 people newly diagnosed with HIV in 2016
  - Over 63% (3,212) of all HIV diagnoses among gay and bisexual men
  - Transgender individuals, particularly transgender women, also disproportionately impacted
  - Highest rate of infection among Blacks (42.2 per 100,000) and Latinos (14.7 per 100,000)



# Federal/State HIV Policy Goals

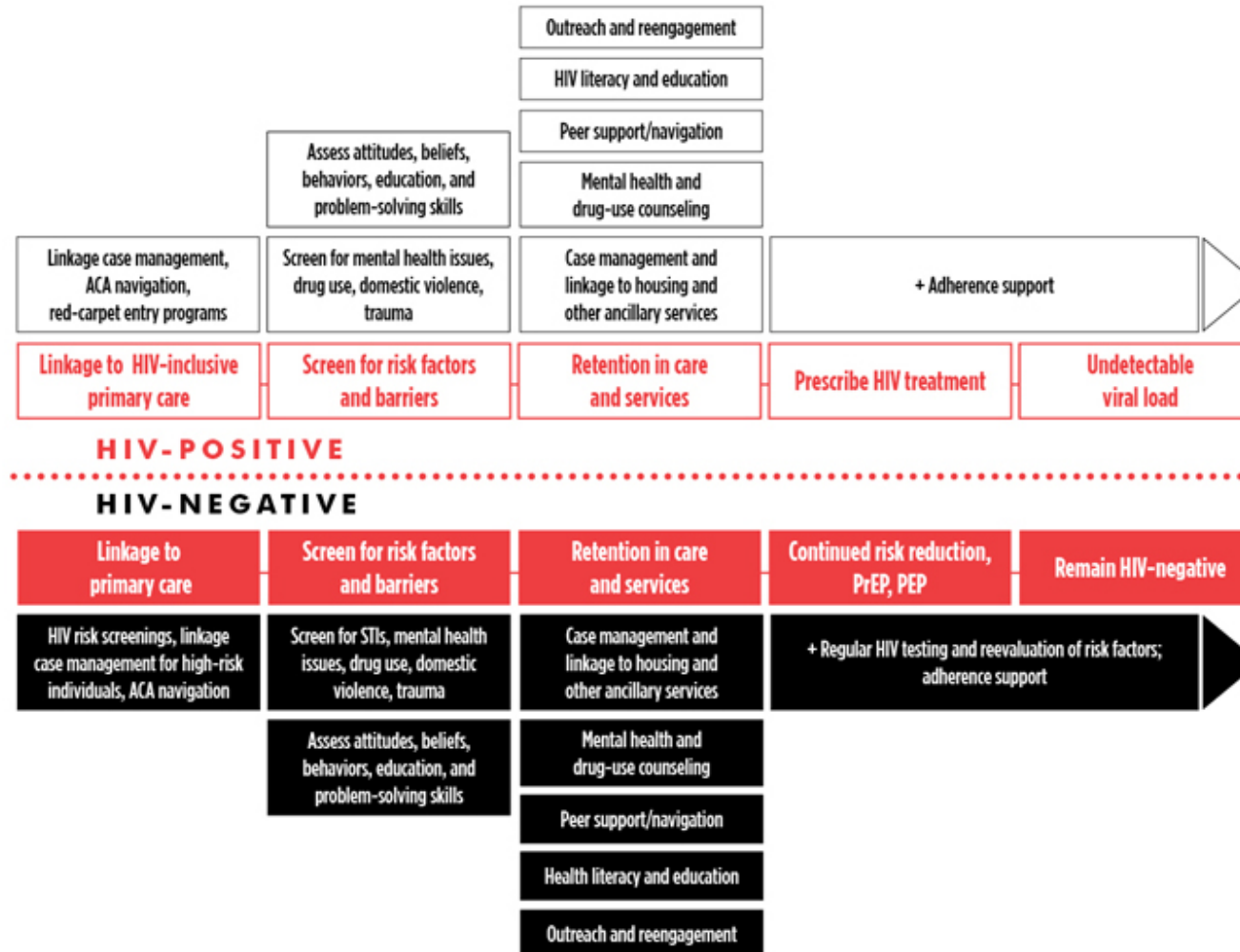
---

- Reduce new HIV infections
- Increase access to care and improve health outcomes for PLWH
- Reduce HIV-related disparities and health inequities
- Achieve a more coordinated response to the HIV epidemic

# Key HIV Policy Issues



CALIFORNIA  
HIV / AIDS POLICY  
RESEARCH CENTERS





# Key HIV Programs

---

- Affordable Care Act
- Medicaid, Medicare, Private Insurance
- Ryan White HIV/AIDS Program
- CDC Prevention Programs
- Housing Opportunities for Persons with HIV/AIDS (HOPWA)
- Substance Abuse and Mental Health Services Administration (SAMHSA) Programs
- PrEP Assistance Program
- National Institutes of Health (NIH)



# Ryan White HIV/AIDS Program

---



CALIFORNIA  
HIV / AIDS POLICY  
RESEARCH CENTERS

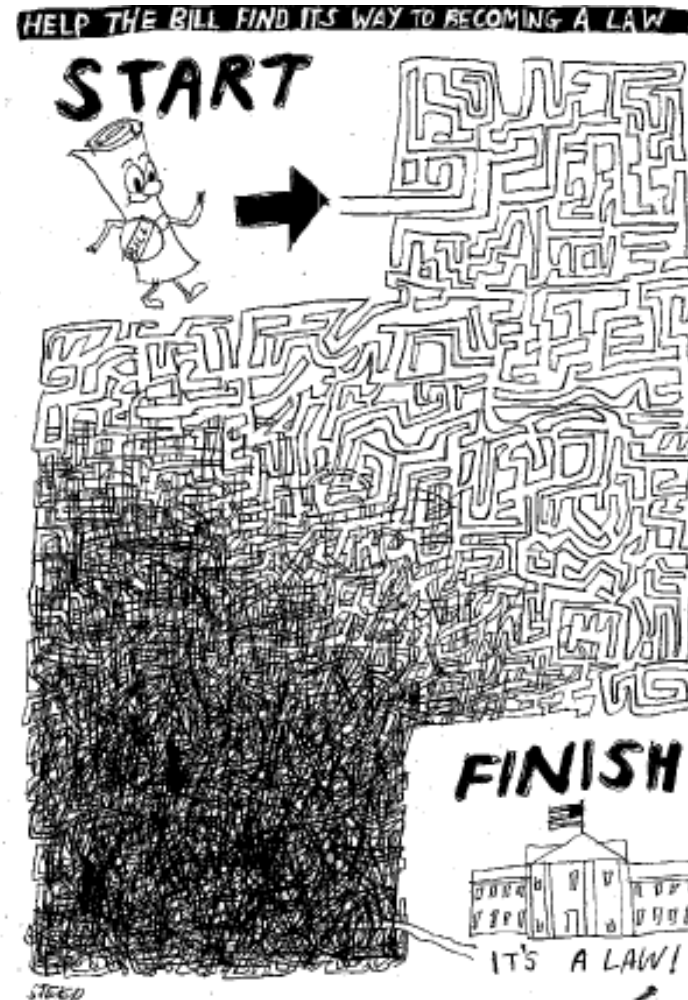
- Part A - funding for medical and support services to Eligible Metropolitan Areas and Transitional Grant Areas
- Part B - funding to states and territories to improve the quality, availability, and organization of HIV health care and support services. Part B also includes grants for the AIDS Drug Assistance Program (ADAP)
- Part C - funding to local CBOs to support outpatient HIV early intervention services and ambulatory care
- Part D - funding to support family-centered, comprehensive care to women, infants, children and youth living with HIV
- Part F - funding that supports several research, technical assistance and access to care programs (e.g., AETC, Dental, MAI)

# State Legislative Process

---



CALIFORNIA  
HIV / AIDS POLICY  
RESEARCH CENTERS

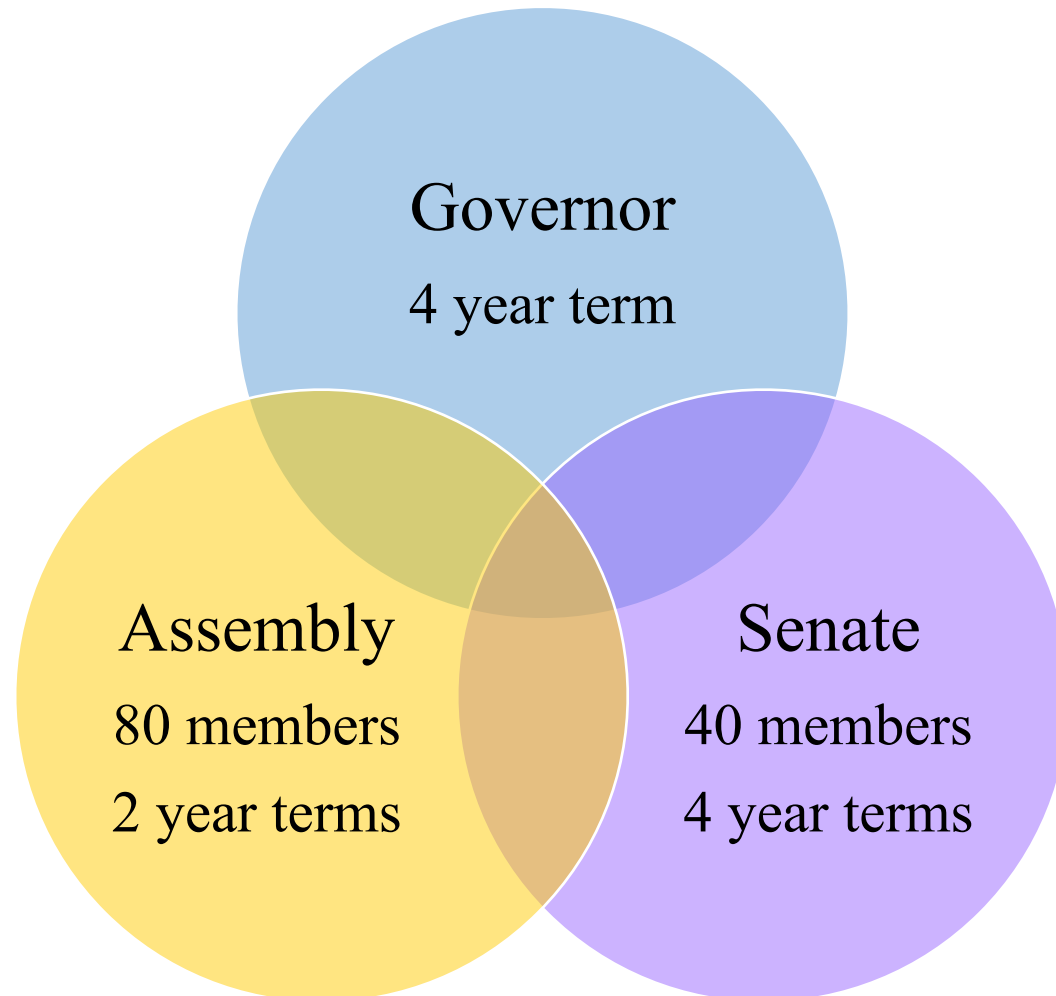


# The Players

---



CALIFORNIA  
HIV / AIDS POLICY  
RESEARCH CENTERS





# The Ringleaders

---

- House leadership
  - Assembly: Speaker
  - Senate: Pro Tem
- Party leadership
  - Democrats: Majority Floor Leader, Majority Whip
  - Republicans: Minority Floor Leader, Minority Whip
- Caucuses
  - Special Interest
  - Racial/ethnic
  - Party
  - Religious
  - Gender
  - Sexual Orientation



# More Players

---

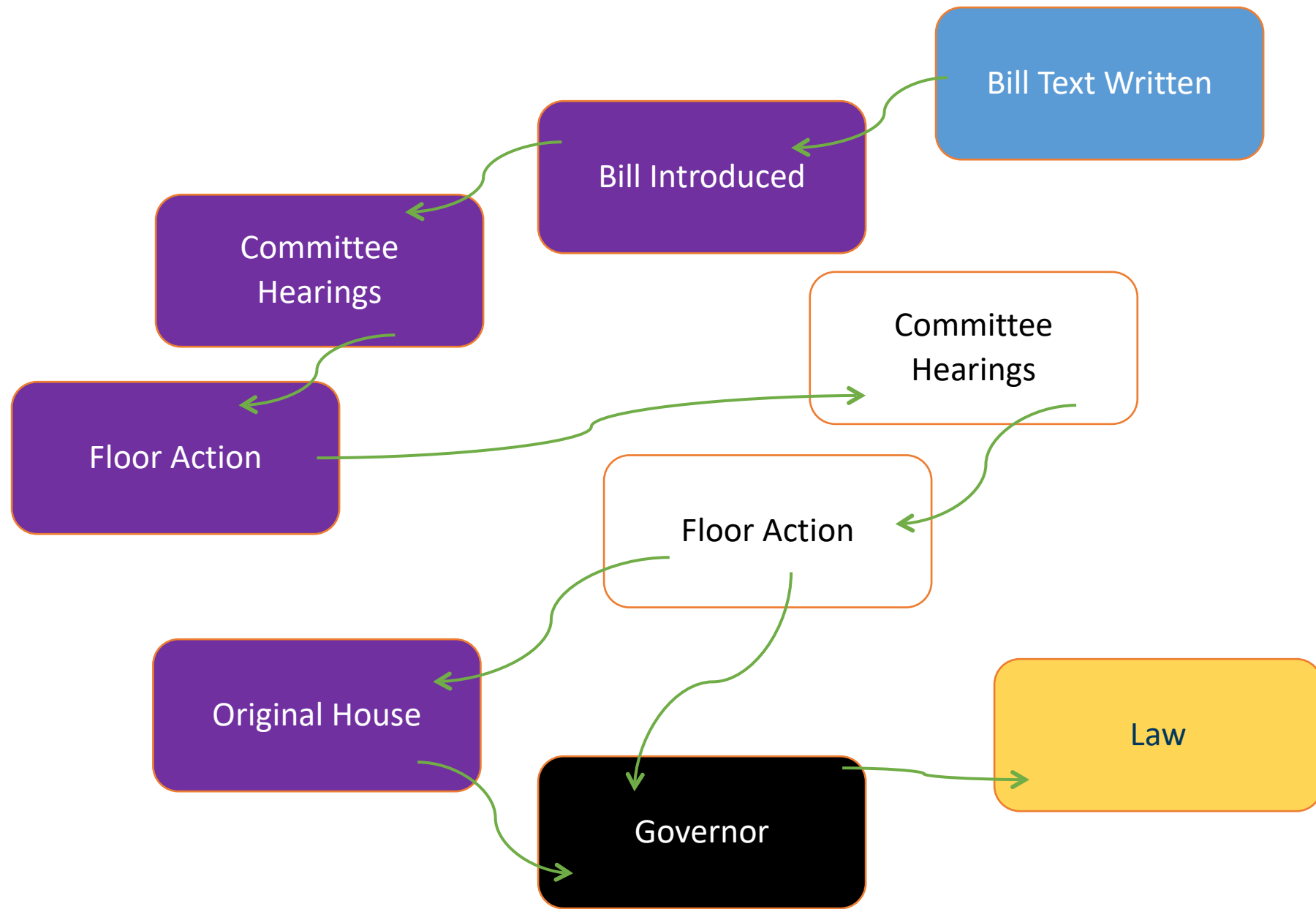
- Committees
  - Policy
  - Fiscal
- Staffers
  - Committee
  - Leadership
  - Policy/Sacramento
  - District
- Agencies
  - DHCS
  - CDPH



# Even More Players

---

- Bill drafters
  - Author
  - Sponsor
  - Legislative Counsel
  - Committee
- Working with others
  - Coalition
  - Cosponsors





# Important Dates

---

- First Monday in December: first day of the legislative session
- January 1: statutes enacted in the previous year take effect
- End of February: last day to introduce a bill
- Mid May: last day for policy committees to hear any bill introduced in their house
- Late May: last day for fiscal committees to hear bills introduced in their house
- Early June: floor session only & last day for bills to get out of house of origin
- Mid June: committees hear bills from other house





# Important Dates (cont'd)

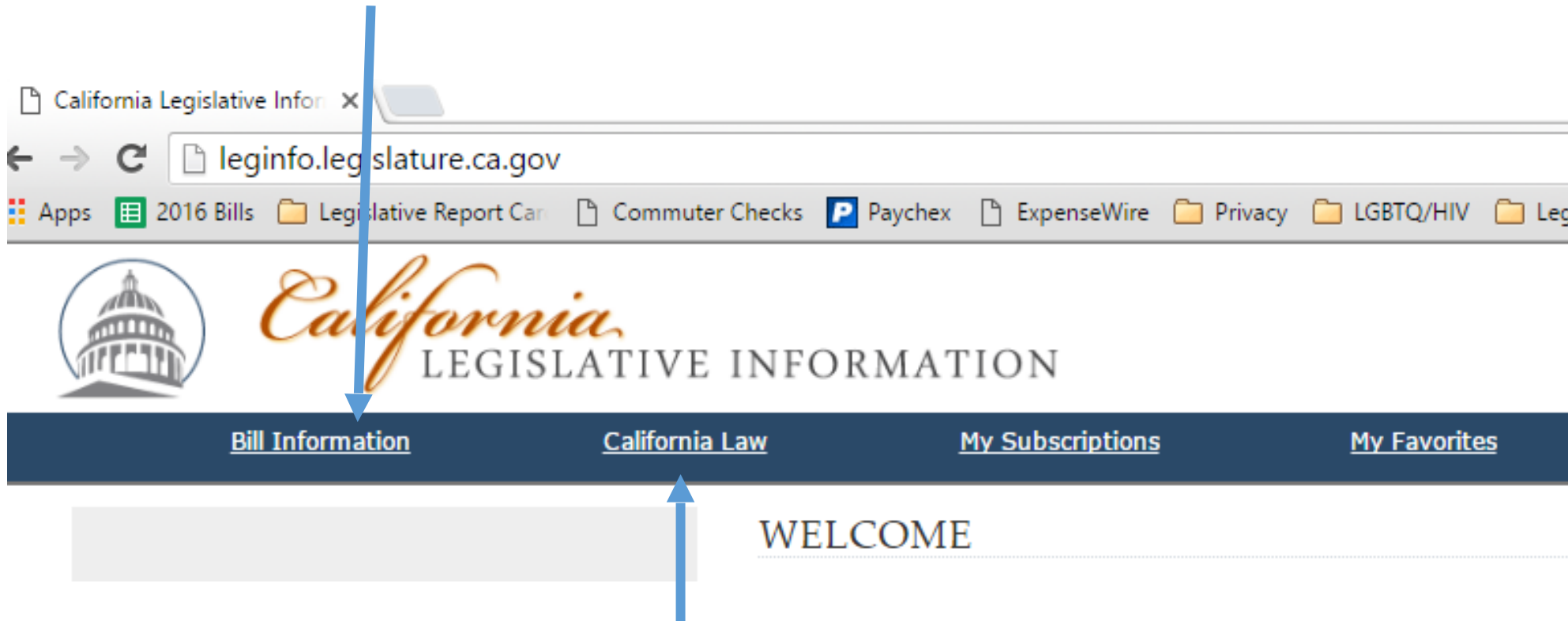
---

- Mid July: last day for policy committees to hear any bill; summer recess begins
- Mid August: summer recess ends
- Late August: last day for fiscal committees to hear any bill
- Mid September: last day for bills to get out of legislature; fall recess begins
- Mid October: last day for governor to sign or veto bills
- Fall: organizations pitch bill ideas; legislators decide on their bill package for next year



# How to Read a Bill

Bills can be found @ [leginfo.legislature.ca.gov](http://leginfo.legislature.ca.gov)



California statutes can also be found there.

**AB-56 Budget Act of 2016.** (2015-2016)

Text	Votes	History	Bill Analysis	Today's Law As Amended ⓘ	Compare Versions	Status	Comments To Author
------	-------	---------	---------------	--------------------------	------------------	--------	--------------------

SHARE THIS:



AMENDED IN SENATE SEPTEMBER 04, 2015  
AMENDED IN SENATE SEPTEMBER 01, 2015  
AMENDED IN SENATE JULY 16, 2015  
AMENDED IN SENATE JULY 07, 2015  
AMENDED IN SENATE JUNE 24, 2015  
AMENDED IN ASSEMBLY APRIL 22, 2015  
AMENDED IN ASSEMBLY APRIL 08, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

**ASSEMBLY BILL**

**Introduced by Assembly Member Quirk  
(Principal coauthor: Assembly Member Campos)**

**December 02, 2014**

An act to add ~~Section 6254.31 to the Government Code, and to add~~ Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, relating to unmanned aircraft systems.

## LEGISLATIVE COUNSEL'S DIGEST

AB 56, as amended, Quirk. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would generally prohibit law enforcement agencies from using unmanned aircraft systems, obtaining an unmanned aircraft system from another public agency by contract, loan, or other arrangement, or using information obtained from an unmanned aircraft system used by another public agency, except as provided by the bill's provisions. The bill would authorize a law enforcement agency to use an unmanned aircraft system if the law enforcement agency complies with specified requirements, including, among others, that before the use of an unmanned aircraft system, the law enforcement agency develops, makes available to the public, and, at least once every 3 years, reviews, a policy on the use of an unmanned aircraft system, as provided, and that the law enforcement agency complies with all applicable federal, state, and local law and the unmanned aircraft system policy developed by the law enforcement agency pursuant to the bill's provisions. The bill would require a law enforcement agency that uses an unmanned aircraft system to ensure that information and data gathered through the use of the system is protected with reasonable operational, administrative, technical, and physical safeguards, and to implement and maintain reasonable security procedures and practices in order to protect information and data gathered through the use of that system from unauthorized access, destruction, use, modification, or disclosure. The bill would prohibit a law enforcement agency from using an unmanned aircraft system to surveil private property unless, among other justifications, the law enforcement agency obtains a search warrant.

The bill would require images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within one year, except as specified. Unless authorized by federal law, the bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by, or launched or directed from, an unmanned aircraft system and that is intended to cause incapacitation, bodily injury or death, or damage to, or the destruction of, real or personal property. By creating a new crime, the bill would impose a state-mandated local program. The bill would require a law enforcement agency that operates an unmanned aircraft system to keep a record of the use of that system, including information on whether a search warrant was sought before the system was used, and, in situations where a warrant was sought, whether the warrant was granted or denied. The bill would also provide that specified surveillance restrictions on electronic devices apply to the use or operation of an unmanned aircraft system by a law enforcement agency.

The bill would make its provisions applicable to all law enforcement agencies and private entities when contracting with or acting as the agent of a law enforcement agency for the use of an unmanned aircraft system.

The bill would authorize an individual who has been harmed by a violation of the bill's provisions to bring a civil action in any court of competent jurisdiction against a person who knowingly caused that violation, would authorize the court to award attorney's fees, as specified, and would specify that the bill's provisions do not impair or impede any other rights, causes of action, claims, or defenses available under other law and that the remedies provided by the bill's provisions are cumulative with any other remedies available under other law.

~~Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.~~

~~This bill would make certain images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure. The bill would except from the disclosure requirements discussed above images, footage, data, and records obtained through the use of an unmanned aircraft system if disclosure would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.~~

~~Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

~~Because this bill would require local entities to comply with additional rules and requirements regarding the use of information obtained from unmanned aircraft systems, it would impose a state-mandated local program.~~

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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

---

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 6254.31 is added to the Government Code, to read:~~

~~6254.31. (a) Notwithstanding any provision of this chapter, images, footage, or data obtained through the use of an unmanned aircraft system, including use pursuant to Title 14 (commencing with Section 14350) of Part 4 of the Penal Code, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, are public records subject to disclosure.~~

~~(b) Notwithstanding subdivision (a), nothing in this chapter or any other law requires the disclosure of images, footage, or data obtained through the use of an unmanned aircraft system, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, to the extent that disclosure of the images, footage, data, or records would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.~~

~~SEC. 2.~~ **SECTION 1.** Title 14 (commencing with Section 14350) is added to Part 4 of the Penal Code, to read:

### **TITLE 14. UNMANNED AIRCRAFT SYSTEMS**

**14350.** (a) A law enforcement agency shall not use an unmanned aircraft system, obtain an unmanned aircraft system from another public agency by contract, loan, or other arrangement, or use information obtained from an unmanned aircraft system used by another public agency, except as provided in this title. This title shall apply to all law enforcement agencies and private entities when contracting with or acting as the agent of a law enforcement agency for the use of an unmanned aircraft system.

(b) A law enforcement agency may use an unmanned aircraft system, or use information obtained from an unmanned aircraft system used by another public agency, if the law enforcement agency complies with the requirements of this title and all applicable federal, state, and local law.

(c) If the use of an unmanned aircraft system by a local law enforcement agency may involve the collection of images, footage, or data from another county, city, or city and county, the law enforcement agency shall obtain a warrant based on probable cause, unless an exigent circumstance exists.

(d) (1) A law enforcement agency shall develop a policy on the use of unmanned aircraft systems and train the law enforcement agency's officers and employees on the policy, before the use of the unmanned aircraft system. This policy shall be made available to the public in writing, and, if the law enforcement agency has an Internet Web site, the policy shall be posted conspicuously on that Internet Web site.

(2) A law enforcement agency shall use the unmanned aircraft system consistent with the policy developed pursuant to this subdivision.

(3) Before finalizing the policy required by this subdivision, the law enforcement agency shall present the proposed policy at a regularly scheduled and noticed public meeting of its governing body with an opportunity for public comment.

(4) The policy required by this subdivision shall specify, at a minimum, all of the following:

(A) How the collection, use, maintenance, sharing, and dissemination of information and data gathered through the use of an unmanned aircraft system is consistent with respect for an individual's privacy and civil liberties.

(B) The authorized purposes for using an unmanned aircraft system and for collecting information or data using that technology, including the circumstances under which an unmanned aircraft system may and may not be used. The policy shall identify any time limits applicable to the use of an unmanned aircraft system and the rules and procedures to be followed before such use.

(C) A description of the employees who are authorized to use or access information or data collected through the use of an unmanned aircraft system. The policy shall identify the training requirements necessary for those authorized employees, as well as the circumstances under which they may use or access this information or data.

(D) A description of how the use of an unmanned aircraft system will be monitored to ensure compliance with all applicable privacy laws and a process for periodic system audits.

(E) A description of reasonable measures that will be used to ensure the accuracy of information or data gathered through the use of an unmanned aircraft system, and a process to correct errors.

(F) A description of how the law enforcement agency will comply with the security procedures and practices implemented and maintained pursuant to subdivision (e).

(G) The official custodian or owner of information or data gathered through the use of an unmanned aircraft system, and the employee or employees that have the responsibility and accountability for implementing this subdivision.

(H) The purpose of, and process for, sharing or disseminating information or data gathered through the use of an unmanned aircraft system with other law enforcement agencies and public agencies. The policy shall also identify how the use or further sharing or dissemination of that information or data will be restricted in order to ensure respect for an individual's privacy and civil liberties.

## AB-56 Budget Act of 2016. (2015-2016)

Text	Votes	History	Bill Analysis	Today's Law As Amended ⓘ	Compare Versions	Status	Comments To Author
------	-------	---------	---------------	--------------------------	------------------	--------	--------------------

- ▶ To see how the bill as drafted impacts current law, click on the “Today’s Law As Amended” tab at the top of the page.
- ▶ To compare the current version of the bill to a version prior to the most recent previous version, click on the “Compare Versions” tab.
- ▶ To see what’s happened with the bill (amendments, committee votes, etc.), click on the “History” tab.
- ▶ To see how members have voted on the bill in committee or on the floor, click on the “Votes” tab.
- ▶ To see committee and floor analyses of the bill, which includes things like proposed amendments, how the bill affects current law, and who supports and opposes the bill, click on the “Bill Analysis” tab.



# State Budget Process

---

- Initial preparation: July-August
- Agency budget development: September-December
- Governor's budget presented: January
- LAO analysis published: mid-February
- Budget subcommittee hearings: February-May
- May revise
- Conference Committee/"Big Five": June
- Constitutional deadline for Legislature: June 15<sup>th</sup>
- Start of fiscal year: July 1<sup>st</sup>



# Effective Strategies for Advocacy

---



CALIFORNIA  
HIV / AIDS POLICY  
RESEARCH CENTERS







# PrEP Access

---

- PrEP identified as important strategy to prevent new HIV infections
- CHPRC developed survey of MSM on PrEP awareness, willingness, uptake and barriers
- Survey showed interest among MSM but significant knowledge gaps and perceived barriers around access and cost
- Policy Impact
  - AB 2640 – Require information about PrEP during HIV post-test counseling
  - PrEP Assistance Program



# HIV Criminalization

---

- California has several outdated laws that unfairly criminalize PLWH
- CHPRC funded research about how laws have been used
- Research showed that women, people of color, and sex workers are disproportionately impacted
- 98% of convictions did not require intent to transmit
- 93% of convictions did not require conduct likely to transmit
- 0 convictions required actual transmission
- Policy Impact
  - SB 239 – Modernized CA HIV criminal laws