

AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 438

Introduced by Senator Hertzberg

(Principal coauthor: Assembly Member Eggman)

(Coauthor: Senator Galgiani)

(Coauthor: Assembly Member Aguiar-Curry)

February 21, 2019

~~An act to amend Section 66514 of the Government Code, relating to transportation.~~ *An act to amend Section 53110 of, and to add Section 53100.5 to, the Government Code, and to add Section 1798.8 to the Health and Safety Code, relating to emergency services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 438, as amended, Hertzberg. ~~Metropolitan Transportation Commission: transbay bridges.~~ *Emergency medical services: dispatch.*

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency to establish within its jurisdiction a basic emergency telephone system that includes, at a minimum, police, firefighting, and emergency medical and ambulance services. Existing law authorizes a public agency to incorporate private ambulance service into the system.

This bill would prohibit a public agency from delegating, assigning, or contracting for "911" emergency call processing or notification duties regarding the dispatch of emergency response resources unless the delegation or assignment is to, or the contract is with, another public agency or made pursuant to a joint powers agreement or cooperative agreement. The bill would state the Legislature's intent to affirm and clarify a public agency's duty and authority to develop emergency

communication procedures and respond quickly to a person seeking emergency services through the “911” emergency telephone system.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, authorizes each county to develop an emergency medical services (EMS) program and designate a local EMS agency. Existing law delegates responsibility over the medical direction and management of an EMS system to the medical director of the local EMS agency, and requires the local EMS agency to maintain medical control over the EMS system in accordance with minimum standards established by the Emergency Medical Services Authority.

This bill would provide that medical control may not be construed to limit the authority of a public safety agency to directly receive and administer “911” emergency requests originating within the agency’s territorial jurisdiction, or determine the appropriate deployment of emergency response resources within the agency’s territorial jurisdiction. The bill would also clarify that a public safety agency does not transfer its authority to administer emergency services to a local EMS agency by voluntarily limiting or modifying its prehospital response pursuant to an EMS dispatch protocol approved by a local EMS agency.

~~The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a local area planning agency to provide comprehensive regional transportation planning for the region comprised of the 9 bay area counties. Existing law prohibits the construction of any transbay bridge in the region without the approval of the commission, except as specified.~~

~~This bill would make a nonsubstantive change to the provision relating to transbay bridges.~~

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

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

- 1 SECTION 1. Section 53100.5 is added to the Government Code,
- 2 to read:
- 3 53100.5. The Legislature finds and declares all of the
- 4 following:
- 5 (a) The provision of fire protection services, rescue services,
- 6 emergency medical services, hazardous material response services,

1 ambulance services, and other services related to the protection
2 of lives and property is a matter of public safety and critical to the
3 public peace, health, and safety of the state.

4 (b) It is in the public interest that emergency services be
5 deployed quickly and efficiently in the interest of saving lives and
6 reducing the damage or destruction of property.

7 (c) The establishment of a uniform, statewide policy regarding
8 a public agency's ability to receive and process emergency calls
9 is a matter of statewide concern and an interest to all inhabitants
10 and citizens of this state.

11 (d) The purpose of the act that added this section is to affirm
12 and clarify a public agency's duty, responsibility, and jurisdiction
13 to establish and improve emergency communication procedures
14 and quickly respond to any person calling the telephone number
15 "911" seeking fire, medical, rescue, or other emergency services.

16 SEC. 2. Section 53110 of the Government Code is amended to
17 read:

18 53110. (a) Every system shall include police, firefighting, and
19 emergency medical and ambulance services, and may include other
20 emergency services, in the discretion of the affected local public
21 agency, such as poison control services, suicide prevention
22 services, and civil defense services. The system may incorporate
23 private ambulance service. In those areas in which a public safety
24 agency of the state provides ~~such~~ emergency services, the system
25 shall include ~~such~~ the public safety agency or agencies.

26 (b) Notwithstanding subdivision (a), a public agency shall not
27 delegate, assign, or enter into a contract for "911" call processing
28 or emergency notification duties regarding the dispatch of
29 emergency response resources except under one of the following
30 circumstances:

31 (1) The delegation or assignment is to, or the contract is with,
32 another public agency.

33 (2) The delegation, assignment, or contract is made pursuant
34 to a joint powers agreement adopted pursuant to Chapter 5
35 (commencing with Section 6500) of Division 7 of Title 1.

36 (3) The delegation, assignment, or contract is made by
37 cooperative agreement.

38 SEC. 3. Section 1798.8 is added to the Health and Safety Code,
39 to read:

1 1798.8. (a) Notwithstanding any provision of this division,
2 medical control or medical direction and management of an
3 emergency medical services system, as described in this chapter,
4 shall not be construed to limit, supplant, prohibit, or otherwise
5 alter a public safety agency's authority to do either of the
6 following:

7 (1) Directly receive, process, and administer requests for
8 assistance originating within the public safety agency's territorial
9 jurisdiction through the emergency "911" system established
10 pursuant to Article 6 (commencing with Section 53100) of Chapter
11 1 of Part 1 of Division 2 of Title 5 of the Government Code.

12 (2) Determine the appropriate deployment of public safety
13 emergency response resources within the public safety agency's
14 territorial jurisdiction.

15 (b) Notwithstanding any other law, a public safety agency's
16 voluntary consent to limit, modify, or alter the nature of its
17 prehospital response or response mode pursuant to an emergency
18 medical dispatch protocol approved by a local EMS agency does
19 not constitute a transfer of any of the public safety agency's
20 authorities regarding the administration of emergency medical
21 services.

22 ~~SECTION 1. Section 66514 of the Government Code is~~
23 ~~amended to read:~~

24 ~~66514. The construction of any transbay bridge in the region~~
25 ~~shall not be commenced without the approval of the commission.~~
26 ~~This section shall not apply to modifications of existing bridges;~~
27 ~~except modifications that provide for the construction of additional~~
28 ~~lanes of traffic on existing bridges or for the construction of rapid~~
29 ~~transit facilities on existing bridges.~~