

AMENDED IN SENATE APRIL 8, 2019

SENATE BILL

No. 24

Introduced by Senator Leyva

(Principal coauthor: Assembly Member Carrillo)

**(Coauthors: Senators Atkins, Beall, Dodd, Hill, Jackson, Skinner,
Stern, Umberg, and Wiener)**

December 3, 2018

An act to add Chapter 5.5 (commencing with Section 99250) to Part 65 of Division 14 of Title 3 of the Education Code, relating to public health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 24, as amended, Leyva. Public health: public university student health centers: abortion by medication techniques.

Existing law establishes the University of California, under the administration of the Regents of the University of California, and the California State University, under the administration of the Trustees of the California State University, as 2 of the segments of public postsecondary education in this state.

This bill would express findings and declarations of the Legislature relating to the availability of abortion by medication techniques at on-campus student health centers at public postsecondary educational institutions in the state.

The bill would require, on and after January 1, 2023, each student health care services clinic on a California State University or University of California campus to offer abortion by medication techniques, as specified. The bill would require the Commission on the Status of Women and Girls to administer the College Student Health Center Sexual and Reproductive Health Preparation Fund, which the bill would

establish. The bill would continuously appropriate the moneys in that fund to the commission for grants to these student health care clinics for specified activities in preparation for providing abortion by medication techniques, thereby making an appropriation. The bill would provide that its requirements would be implemented only if, and to the extent that, a total of at least \$10,290,000 in private moneys is made available to the fund in a timely manner on or after January 1, 2020.

The bill would require the commission to submit a report to the Legislature, on or before December 31, 2021, and on or before December 31 of every year thereafter, until December 31, 2026, that includes, but is not necessarily limited to, specified information relating to abortion by medication techniques at these student health clinics.

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) Abortion care is a constitutional right and an integral part
4 of comprehensive sexual and reproductive health care.
- 5 (b) More than 400,000 students classified as female are educated
6 at California's public university campuses, and it is central to the
7 mission of California's public university student health centers to
8 minimize the negative impact of health concerns on students'
9 studies and to facilitate retention and graduation.
- 10 (c) The state has an interest in ensuring that every pregnant
11 person in California who wants to have an abortion can obtain
12 access to that care as easily and as early in pregnancy as possible.
13 When pregnant young people decide that abortion is the best option
14 for them, having early, accessible care can help them stay on track
15 to achieve their educational and other aspirational life plans.
- 16 (d) All California public university campuses have on-campus
17 student health centers, but none of these health centers currently
18 provide abortion by medication techniques. Abortion by medication
19 techniques is extremely safe, highly effective, and cost effective.
20 Abortion by medication techniques is an essential part of
21 comprehensive sexual and reproductive health care, and should
22 be accessible at on-campus student health centers.

1 (e) Staff at on-campus student health centers include health
2 professionals who are licensed to provide abortion by medication
3 techniques. Under current California law, all residency programs
4 in obstetrics and gynecology include training in abortion.
5 Physicians, nurse practitioners, physician assistants, and certified
6 nurse-midwives are legally authorized to perform abortions by
7 medication techniques. Any clinician legally authorized to provide
8 abortion, but not currently trained to provide abortion by
9 medication techniques, can be trained inexpensively to do so, and
10 such training falls within the requirements of continuing education
11 for medical providers.

12 (f) The National Academies of Sciences, Engineering, and
13 Medicine have found that prescribing abortion by medication
14 techniques is no different from prescribing other medications, and
15 have also found that the risks of providing abortion by medication
16 techniques, including via telehealth, are low and similar to the
17 risks of serious adverse effects of taking commonly used
18 prescription and over-the-counter medications.

19 (g) Students seeking early pregnancy termination, especially
20 those enrolled at institutions outside of major urban centers, face
21 prohibitively expensive travel, often without reliable means of
22 transportation, to a clinic that may require hours of travel from
23 their campus, out of their city, county, or even geographic region.
24 These financial and time burdens negatively impact academic
25 performance and mental health.

26 (h) California law recognizes abortion as a basic health service
27 that must be covered by Medi-Cal and by private, managed care
28 insurance plans regulated by the state.

29 (i) It is the intent of the Legislature that public university student
30 health centers make abortion by medication techniques as
31 accessible and ~~cost-effective~~ *cost effective* for students as possible,
32 and thus public university student health centers should treat
33 abortion by medication techniques as a basic health service.

34 SEC. 2. Chapter 5.5 (commencing with Section 99250) is added
35 to Part 65 of Division 14 of Title 3 of the Education Code, to read:
36

37 CHAPTER 5.5. STUDENT HEALTH CARE SERVICES

38
39 99250. For the purposes of this chapter, the following
40 definitions apply:

1 (a) “Commission” means the Commission on the Status of
2 Women and Girls established by Section 8241 of the Government
3 Code.

4 (b) “Fund” means the College Student Health Center Sexual
5 and Reproductive Health Preparation Fund established by Section
6 99251.

7 (c) “Grantee” means any qualifying student health center at a
8 public college or university.

9 (d) “Medication abortion readiness” includes, but is not limited
10 to, assessment of each individual clinic to determine facility and
11 training needs before beginning to provide abortion by medication
12 techniques, purchasing equipment, making facility improvements,
13 establishing clinical protocols, creating patient educational
14 materials, and training staff. “Medication abortion readiness” does
15 not include the provision of abortion by medication techniques.

16 (e) “Public university student health center” means a clinic
17 providing primary health care services to students that is located
18 on the campus of a university within the University of California
19 or California State University systems.

20 99251. (a) On and after January 1, 2023, each public university
21 student health center shall offer abortion by medication techniques
22 onsite. This service may be performed by providers on staff at the
23 student health center or by providers associated with a contracted
24 external agency.

25 (b) (1) The commission shall administer the College Student
26 Health Center Sexual and Reproductive Health Preparation Fund,
27 which is established by this chapter for the purposes of providing
28 private moneys in the form of grants to public university student
29 health centers for medication abortion readiness. Notwithstanding
30 any other law, the commission is authorized to receive moneys
31 from nonstate entities, including, but not necessarily limited to,
32 private sector entities and local and federal government agencies,
33 and deposit these moneys in the fund.

34 (2) Notwithstanding Section 13340 of the Government Code,
35 the moneys in the fund are continuously appropriated to the
36 commission for allocation for purposes of this subdivision.

37 (3) The commission shall utilize fund moneys to do all of the
38 following:

39 (A) Provide a grant of two hundred thousand dollars (\$200,000)
40 to each public university student health center to pay for the cost,

- 1 both direct and indirect, of medication abortion readiness.
2 Allowable expenses under these grants include, but are not limited
3 to, all of the following:
- 4 (i) Purchase of equipment used in the provision of abortion by
5 medication techniques.
 - 6 (ii) Facility and security upgrades.
 - 7 (iii) Costs associated with enabling the campus health center to
8 deliver telehealth services.
 - 9 (iv) Costs associated with training staff in the provision of
10 abortion by medication techniques.
 - 11 (v) Staff cost reimbursement and clinical revenue offset while
12 staff are in trainings.
- 13 (B) Provide a grant of two hundred thousand dollars (\$200,000)
14 to both the University of California and the California State
15 University, to pay for the cost, both direct and indirect, of the
16 following, for each university system:
- 17 (i) Providing 24-hour, backup medical support by telephone to
18 patients who have obtained abortion by medication techniques at
19 a public university student health center.
 - 20 (ii) One-time fees associated with establishing a corporate
21 account to provide telehealth services.
 - 22 (iii) Billing specialist consultation.
- 23 ~~(C) Paying itself for the costs, both direct and indirect, associated~~
24 ~~with administration of the fund, including the costs of hiring staff~~
25 ~~and the costs of reporting to the Legislature, not to exceed three~~
26 ~~million ninety thousand dollars (\$3,090,000).~~
- 27 ~~(D)~~
- 28 (C) Maintaining a system of financial reporting on all aspects
29 of the fund.
- 30 (4) Each public university student health center grantee shall,
31 as a condition of receiving a grant award from the fund, participate
32 in an evaluation of its medication abortion readiness and its
33 provision of abortion by medication techniques.
- 34 (5) The requirements of this chapter shall be implemented only
35 if, and to the extent that, a total of at least ten million two hundred
36 ninety thousand dollars (\$10,290,000) in private funds is made
37 available to the fund in a timely manner on or after January 1,
38 2020.

1 (6) Nothing in this chapter shall be interpreted as requiring a
2 public university to utilize General Fund moneys or student fees
3 for medication abortion readiness before January 1, 2023.

4 (c) The commission, working with the public university student
5 health centers, shall assist and advise on potential pathways for
6 ~~their~~ *those* student health centers to access public and private payers
7 to provide funding for ongoing costs of providing abortion by
8 medication techniques.

9 (d) (1) On or before December 31, 2021, and on or before
10 December 31 of each year thereafter until December 31, 2026, the
11 commission shall submit a report to the Legislature that includes,
12 but is not necessarily limited to, all of the following information
13 for each reporting period, separately for the University of California
14 and the California State University:

15 (A) The number of student health centers that provide abortion
16 by medication techniques.

17 (B) The number of abortions by medication techniques
18 performed at student health centers, disaggregated, to the extent
19 possible, by student health center.

20 (C) The total amount of funds granted by the commission to the
21 university and the university's student health centers that is
22 expended on medication abortion readiness, and, separately, the
23 total amount of any other funds expended on medication abortion
24 readiness and the source of those funds, disaggregated by function
25 and, to the extent possible, disaggregated by student health center.

26 ~~(D) The total amount of funds expended on the provision of
27 abortion by medication techniques and the source of those funds,
28 disaggregated by function and, to the extent possible, disaggregated
29 by student health center.~~

30 (2) The report required in paragraph (1), and any associated
31 data collection, shall be conducted in accordance with state and
32 federal privacy law, including, but not necessarily limited to, the
33 state Confidentiality of Medical Information Act (Part 2.6
34 (commencing with Section 56) of Division 1 of the Civil Code),
35 the federal Family Educational Rights and Privacy Act of 1974
36 (20 U.S.C. Sec. 1232g), and the federal Health Insurance Portability
37 and Accountability Act of 1996 (Public Law 104-191).

1 (3) The requirement for submitting reports under paragraph (1)
2 shall become inoperative on January 1, 2027, pursuant to Section
3 10231.5 of the Government Code.

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