

AMENDED IN SENATE JULY 3, 2023
AMENDED IN ASSEMBLY MAY 22, 2023
AMENDED IN ASSEMBLY APRIL 12, 2023
AMENDED IN ASSEMBLY MARCH 21, 2023
AMENDED IN ASSEMBLY FEBRUARY 17, 2023
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 659

Introduced by Assembly Member Aguiar-Curry
(Coauthors: Assembly Members Wendy Carrillo, Friedman, Kalra,
Ortega, Papan, and Blanca Rubio)
(Coauthor: Senator Wiener)

February 9, 2023

An act to add Section 48980.4 to the Education Code, to amend Sections 1367.66 and 120390 of, and to add Sections 120336 and 120390.6 to, the Health and Safety Code, to amend Section 10123.18 of the Insurance Code, and to add Section 14132.04 to the Welfare and Institutions Code, relating to human papillomavirus.

LEGISLATIVE COUNSEL'S DIGEST

AB 659, as amended, Aguiar-Curry. Cancer Prevention Act.

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, childcare center, day nursery, nursery school, family daycare home, or development center, unless prior to their admission to that institution they have been fully immunized. Existing law requires the documentation of immunizations

for certain diseases, including, among others, measles, mumps, pertussis, and any other disease deemed appropriate by the State Department of Public Health, as specified. Existing law authorizes certain exemptions from these provisions subject to specified conditions.

This bill, the Cancer Prevention Act, would declare the public policy of the state that pupils are ~~expected~~ *recommended* to be fully immunized against human papillomavirus (HPV) before admission or advancement to the 8th grade level of any private or public elementary or secondary school. The bill would, upon a pupil's admission or advancement to the 6th grade level, require the governing authority to submit to the pupil and their parent or guardian a notification containing a statement about that public policy and advising that the pupil be fully immunized against HPV before admission or advancement to the 8th grade level. *The bill would incorporate that notification into existing provisions relating to notifications by school districts.* By creating new notification duties for school districts, the bill would impose a state-mandated local program.

Existing law requires the Trustees of the California State University and, subject to a resolution, the Regents of the University of California to require the first-time enrollees at those institutions who are 18 years of age or younger to provide proof of full immunization against the hepatitis B virus prior to enrollment, with certain exemptions.

This bill would declare the public policy of the state that students who are 26 years of age or younger are ~~expected~~ *recommended* to be fully immunized against HPV before first-time enrollment at an institution of the California State University, the University of California, or the California Community Colleges. The bill would make a conforming change to a consultation-related provision.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2002, as specified, to provide coverage for an annual cervical cancer screening test, including an HPV screening test that is approved by the United States Food and Drug Administration (FDA).

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services and under which health care

services are provided to low-income individuals pursuant to a schedule of benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law also establishes the Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program, administered by the Office of Family Planning within the department, under which comprehensive clinical family planning services are provided to a person who has a family income at or below 200% of the federal poverty level, and who is eligible to receive these services.

This bill would expand the coverage requirement for an annual cervical cancer screening test to disability insurance policies that provide coverage for hospital, medical, or surgical benefits and would require a health care service plan contract, or a disability insurance policy that provides coverage for hospital, medical, or surgical benefits, issued, amended, or renewed on or after January 1, 2024, to provide coverage without cost sharing for the HPV vaccine for persons for whom the vaccine is FDA approved. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program. The bill would also expand comprehensive clinical family planning services under the Family PACT Waiver Program to include the HPV vaccine for persons for whom it is FDA approved.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Cancer Prevention Act.
- 3 SEC. 2. Section 48980.4 is added to the Education Code, to
- 4 read:

1 48980.4. (a) The notification required pursuant to Section
2 48980 for pupils admitted to or advancing to, or advancing to,
3 the sixth grade shall include a notification to the pupil's parent or
4 guardian containing a statement about the state's public policy
5 described in subdivision (a) of Section 120336 of the Health and
6 Safety Code, advising that the pupil be fully immunized against
7 human papillomavirus (HPV) before admission or advancement
8 to the eighth grade level.

9 (b) The notification sent pursuant to subdivision (a) shall
10 conform to the notification requirements outlined in this article.

11 SEC. 3. Section 1367.66 of the Health and Safety Code is
12 amended to read:

13 1367.66. (a) A health care service plan contract, except for a
14 specialized health care service plan, issued, amended, or renewed
15 on or after January 1, 2002, shall provide coverage for an annual
16 cervical cancer screening test upon the referral of the patient's
17 physician and surgeon, a nurse practitioner, or a certified
18 nurse-midwife, providing care to the patient and operating within
19 the scope of practice otherwise permitted for the licensee.

20 (1) The coverage for an annual cervical cancer screening test
21 provided pursuant to this section shall include the conventional
22 Pap test, a human papillomavirus screening test that is approved
23 by the United States Food and Drug Administration (FDA), and
24 the option of any cervical cancer screening test approved by the
25 FDA, upon the referral of the patient's health care provider.

26 (2) This subdivision does not establish a new mandated benefit
27 or prevent application of deductible or copayment provisions in
28 an existing plan contract. The Legislature intends in this section
29 to provide that cervical cancer screening services are deemed to
30 be covered if the plan contract includes coverage for cervical cancer
31 treatment or surgery.

32 (b) A health care service plan contract, except for a specialized
33 health care service plan, issued, amended, or renewed on or after
34 January 1, 2024, shall provide coverage for the human
35 papillomavirus vaccine for enrollees for whom the vaccine is
36 approved by the FDA. A health care service plan contract shall
37 not impose a deductible, coinsurance, copayment, or any other
38 cost-sharing requirement on the coverage provided pursuant to
39 this subdivision.

1 SEC. 4. Section 120336 is added to the Health and Safety Code,
2 to read:

3 120336. (a) It is the public policy of the state that pupils are
4 ~~expected~~ *recommended* to be fully immunized against human
5 papillomavirus (HPV) before admission or advancement to the
6 eighth grade level of any private or public elementary or secondary
7 school.

8 (b) Upon a pupil's admission or advancement to the sixth grade
9 level, the governing authority of any private or public elementary
10 or secondary school shall submit to the pupil and their parent or
11 guardian a notification containing a statement about the state's
12 public policy described in subdivision (a) and advising that the
13 pupil be fully immunized against HPV before admission or
14 advancement to the eighth grade ~~level~~ *level*, in compliance with
15 the notification requirements of Article 4 (commencing with
16 Section 48980) of Chapter 6 of Part 27 of Division 4 of Title 2 of
17 the Education Code.

18 (c) This section does not apply to a pupil in a home-based private
19 school.

20 SEC. 5. Section 120390 of the Health and Safety Code is
21 amended to read:

22 120390. The department, in consultation with the Trustees of
23 the California State University, the Regents of the University of
24 California, and the Board of Governors of the California
25 Community Colleges, as applicable, shall adopt and enforce all
26 regulations necessary to carry out this chapter.

27 SEC. 6. Section 120390.6 is added to the Health and Safety
28 Code, to read:

29 120390.6. It is the public policy of the state that students who
30 are 26 years of age or younger are ~~expected~~ *recommended* to be
31 fully immunized against human papillomavirus (HPV) before
32 first-time enrollment at an institution of the California State
33 University, the University of California, or the California
34 Community Colleges.

35 SEC. 7. Section 10123.18 of the Insurance Code is amended
36 to read:

37 10123.18. (a) A disability insurance policy issued, amended,
38 or renewed on or after January 1, 2024, and that provides coverage
39 for hospital, medical, or surgical benefits shall provide coverage,
40 upon the referral of a patient's physician and surgeon, a nurse

1 practitioner, or a certified nurse-midwife, providing care to the
2 patient and operating within the scope of practice otherwise
3 permitted for the licensee, for an annual cervical cancer screening
4 test.

5 (1) The coverage for an annual cervical cancer screening test
6 provided pursuant to this section shall include the conventional
7 Pap test, a human papillomavirus screening test that is approved
8 by the United States Food and Drug Administration (FDA) and
9 the option of any cervical cancer screening test approved by the
10 FDA, upon the referral of the patient's health care provider.

11 (2) This subdivision does not require an individual or group
12 policy to cover treatment or surgery for cervical cancer or to
13 prevent application of deductible or copayment provisions
14 contained in the policy or certificate, and does not require that
15 coverage under an individual or group policy be extended to any
16 other procedures.

17 (b) A disability insurance policy issued, amended, or renewed
18 on or after January 1, 2024, that provides coverage for hospital,
19 medical, or surgical benefits shall provide coverage for the human
20 papillomavirus vaccine for insureds for whom the vaccine is
21 approved by the FDA. The policy shall not impose a deductible,
22 coinsurance, copayment, or any other cost-sharing requirement on
23 the coverage provided pursuant to this subdivision.

24 (c) This section shall not apply to vision-only, dental-only,
25 accident-only, specified disease, hospital indemnity, Medicare
26 supplement, CHAMPUS supplement, long-term care, or disability
27 income insurance. For accident-only, hospital indemnity, or
28 specified disease insurance, coverage for benefits under this section
29 shall apply only to the extent that the benefits are covered under
30 the general terms and conditions that apply to all other benefits
31 under the policy or certificate. This section does not impose a new
32 benefit mandate on accident-only, hospital indemnity, or specified
33 disease insurance.

34 SEC. 8. Section 14132.04 is added to the Welfare and
35 Institutions Code, to read:

36 14132.04. For purposes of subdivision (aa) of Section 14132,
37 "comprehensive clinical family planning services" includes the
38 human papillomavirus vaccine for persons for whom it is approved
39 by the United States Food and Drug Administration.

1 SEC. 9. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution for certain
3 costs that may be incurred by a local agency or school district
4 because, in that regard, this act creates a new crime or infraction,
5 eliminates a crime or infraction, or changes the penalty for a crime
6 or infraction, within the meaning of Section 17556 of the
7 Government Code, or changes the definition of a crime within the
8 meaning of Section 6 of Article XIII B of the California
9 Constitution.

10 However, if the Commission on State Mandates determines that
11 this act contains other costs mandated by the state, reimbursement
12 to local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.