
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**
Senator Ben Hueso, Chair
2019 - 2020 Regular

Bill No: AB 911 **Hearing Date:** 7/2/2019
Author: Rodriguez
Version: 5/17/2019 As Amended
Urgency: No **Fiscal:** Yes
Consultant: Sarah Smith

SUBJECT: Office of Emergency Services: emergency information system

DIGEST: This bill requires the Office of Emergency Services (OES) to develop a testing and implementation plan and timeline for a statewide system that would allow Californians to voluntarily provide health and safety information that would be provided to first responders in the event of a 911 call.

ANALYSIS:

Existing law:

- 1) Establishes California's 911 telecommunications service, requires every local public agency operating firefighting, police, ambulance, medical, or other emergency services to establish and operate a 911 service, and requires OES to coordinate the implementation of 911 systems and support local agencies in the operation and improvement of 911 systems. (Government Code §53100 et. seq./ *Warren 911 Emergency Assistance Act*)
- 2) Requires OES to develop a plan and timeline for the testing, implementation and operation of a Next Generation 911 (NG 911) emergency communication system, including text to 911 service, throughout California. (Government Code §53121)

This bill:

- 1) Requires OES to consult with stakeholder to develop a testing and implementation plan and timeline for a statewide system that would enable all Californians to voluntarily provide vital health and safety information, which would be made available to first responders in the event that a 911 call is placed.
- 2) Specifies that the voluntarily reported vital health and safety information may include the following:

- a) Types of disabilities and existing medical conditions, signs of distress, and other critical conditions.
 - b) Emergency contact and family member information.
 - c) Race or ethnicity of the individual.
 - d) Primary language spoken by the individual.
- 3) Specifies that the information collected by OES is confidential and not a public record. OES and any third party contractor administering the system is prohibited from disclosing or communicating any of the information collected for the system, except to inform law enforcement, fire department or emergency medical personnel at the scene of an emergency.
- 4) Requires OES to verify the identity of the person submitting the information and the accuracy of the information.

Background

The 911 system. Under existing law, OES is the state agency primarily responsible for policies governing the state's 911 system. However, California's 911 system is also comprised of many local government agencies that operate over 440 public safety answering points (PSAPs) that relay 911 calls to the appropriate first response agencies. When a call is routed, some information may be verified against a directory and relayed with the call. For example, a 911 call from a landline telephone generally includes the address at which the landline phone is registered because the address is included in a database that is automatically searched when the call is transferred to the PSAP.

This bill requires to OES to develop a timeline and plan for implementing a database capable of allowing Californians to voluntarily provide vital health and safety information. Voluntarily reported information may include information about specific health conditions and physical limitation that may provide first responders with greater specificity about the caller's needs. This bill does not specify that PSAPs will automatically search this database, and the ability to automatically include vital health and safety information will partly depend on whether that information is linked to the phone number from which the call is placed.

OES's 911 authority. This bill adds provisions to sections of the Government Code that are not within the *Warren 911 Act*. As a result, OES may have more limited authority to enforce the requirements of this bill to the extent that its implementation is related to Voice over Internet Protocol (VoIP) or IP-based telecommunications. Existing law (Public Utilities Code §710) limits government

agencies' ability to establish requirements for VoIP and IP-based services. While existing law exempts the *Warren 911 Act* from these limitations, it does not exempt all 911 services. Any 911 services established outside the *Warren 911 Act* are not clearly exempt from prohibitions on state requirements. As currently written, this bill would require OES to develop a plan and timeline for a database, which may not be pre-empted by limitations on setting requirements for VoIP and IP-based services.

Demographic information. As currently written, this bill would give individuals the option of reporting race and ethnicity information for inclusion in the database of vital health and safety information. When a 911 call is placed, dispatchers may ask for descriptive information about the subject of a call. However, it is not clear how this information will be used when relayed to first responders. While the American Civil Liberties Union (ACLU) is not opposed to this bill, it has expressed concern about the voluntary inclusion of race and ethnicity information in the database because it is unclear how the information can be considered vital health and safety information needed to inform emergency response in the event of a 911 call.

Triple referral. This bill passed out of the Senate Committee on Governmental Organization June 25th on a vote of 14-1. Should this bill be approved by this committee, it will be re-referred to the Senate Committee on Judiciary for their consideration.

Prior/Related Legislation

AB 1169 (Mullin, 2019) would require implementation of a text to 911 service that supports Short Message Service and Real Time Text messages by January 1, 2021. The bill is pending in the Senate Committee on Appropriations.

AB 1121 (Padilla, Chapter 926, Statutes of 2014) required OES to develop a plan and timeline to test and implement a NG 911 system.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

AFSCME, AFL-CIO (Co-Sponsor)

The Arc and United Cerebral Palsy California Collaboration (Co-Sponsor)

UDW/AFSCME Local 3930 (Co-Sponsor)

California Association of Public Authorities for IHSS

California Fire Chiefs Association

California In-Home Supportive Services Consumer Alliance
California State Retirees
City of Thousand Oaks
City of Ventura
Congress of California Seniors
Disability Rights California
Fire Districts Association of California
Multipurpose Senior Services Program Site Association

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: According to the author:

Law enforcement officers are often the emergency personnel arriving to a situation. One of their primary duties is to de-escalate the situation at hand. To effectively do that, officers must assess a person's behavior and response to commands. This can be challenging in scenarios where a person with a disability is involved, as officers could misinterpret an erratic gesture from a person with a disability as threatening or non-compliant, and may result to use-of-force. In order for law enforcement to de-escalate situations to the best of their ability, and to reduce the risk of injury to disabled and elderly persons, we must provide officers with as much information as possible before they arrive on scene.

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