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AB-1568 California Emergency Services Act: Office of Emergency Services: donations system. (2021-2022)

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Assembly Bill No. 1568

CHAPTER 8

An act to amend Sections 8588.2 and 8657.5 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 09, 2022. Filed with Secretary of State March 09, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1568, Committee on Emergency Management. California Emergency Services Act: Office of Emergency Services: donations system.

Existing law, the California Emergency Services Act, among other things, establishes the Office of Emergency Services, under the supervision of the Director of Emergency Services, and vests the office with responsibility for the state's emergency and disaster response services for natural, technological, or human-made disasters and emergencies, as provided. Existing law finds and declares the necessity for collaboration between the public and private sectors, and authorizes the office to establish a statewide registry of private businesses and nonprofit organizations that are interested in donating services, goods, labor, equipment, resources, or facilities to assist in disaster preparedness.

This bill would instead require the office to establish a statewide donations system, as specified, for private businesses and nonprofit organizations that are interested in donating as provided above. The bill would make conforming changes.

Existing law provides certain exemptions from civil liability to private businesses and nonprofit organizations included on the statewide registry that voluntarily and without expectation and receipt of compensation donate services, goods, labor, equipment, resources, or dispensaries or other facilities during a declared state of war, state of emergency, or state of local emergency, as provided.

This bill would instead provide that these exemptions apply to private businesses and nonprofit organizations utilizing the donations system, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 8588.2 of the Government Code is amended to read:

8588.2. (a) The office shall establish a statewide donations system for private businesses and nonprofit organizations that are interested in donating services, goods, labor, equipment, resources, or dispensaries or other facilities to further the purposes of Section 8588.1.

(b) The agency shall create and implement protocols and procedures for potential donors that do, but are not limited to, all of the following:

- (1) Establish eligibility requirements for a private business or nonprofit organization to be potential donors.
- (2) Require the services, goods, labor, equipment, resources, or dispensaries or other facilities donated by a private business or nonprofit organization offered through the donations system, to be provided at no cost to state governmental entities or the victims of emergencies and disasters.
- (3) Require the services, goods, labor, equipment, resources, or dispensaries or other facilities donated by a private business or nonprofit organization offered through the donations system, to be safely collected, maintained, and managed by the receiving entity.
- (4) Require that federal, state, and local governmental entities and nonprofit organizations that are engaged in assisting communities prepare for, respond to, or recover from emergencies and disasters have access to the statewide resources offered through the donations system.

(c) A private business or nonprofit organization utilizing the donations system, shall reasonably determine all of the following:

- (1) Donated services, goods, labor, equipment, resources, or dispensaries or other facilities comply with all applicable federal and state safety laws and licensing requirements.
- (2) Donated services, goods, labor, equipment, resources, or dispensaries or other facilities have not been altered, misbranded, or stored under conditions contrary to the standards set forth under federal or state laws or by the product manufacturer.
- (3) Donated medicine shall be unopened, in tamper-resistant packaging or modified unit dose containers that meet United States Pharmacopeia standards, and show lot numbers and expiration dates. Medicine that does not meet these standards shall not be donated.

SEC. 2. Section 8657.5 of the Government Code is amended to read:

8657.5. (a) (1) A private business utilizing the donations system, pursuant to Section 8588.2 that voluntarily and without expectation and receipt of compensation donates services, goods, labor, equipment, resources, or dispensaries or other facilities, in compliance with Section 8588.2, during a declared state of war, state of emergency, or state of local emergency shall not be civilly liable for a death, injury, illness, or other damage to a person or property caused by the private business's donation of services, goods, labor, equipment, resources, or dispensaries or other facilities.

(2) A private business utilizing the donations system, that voluntarily and without expectation and receipt of compensation donates services, goods, labor, equipment, resources, or dispensaries or other facilities, in compliance with Section 8588.2, during an emergency medical services training program conducted by the Office of Emergency Services and a city, a county, or a city and county shall not be civilly liable for damages alleged to have resulted from those training programs, as described in Section 1799.100 of the Health and Safety Code.

(b) (1) A nonprofit organization utilizing the donations system, pursuant to Section 8588.2 that voluntarily and without expectation and receipt of compensation from victims of emergencies and disasters donates services, goods, labor, equipment, resources, or dispensaries or other facilities, in compliance with Section 8588.2, during a declared state of war, state of emergency, or state of local emergency shall not be civilly liable for a death, injury, illness, or other damage to a person or property caused by the nonprofit organization's donation of services, goods, labor, equipment, resources, or dispensaries or other facilities.

(2) A nonprofit organization utilizing the donations system, that voluntarily and without expectation and receipt of compensation donates services, goods, labor, equipment, resources, or dispensaries or other facilities, in compliance with Section 8588.2, during an emergency medical services training program conducted by the Office of Emergency Services and a city, a county, or a city and county, shall not be civilly liable for damages alleged to have resulted from those training programs, as described in Section 1799.100 of the Health and Safety Code.

(c) A private business or nonprofit organization that discriminates against a victim of an emergency or disaster based on a protected classification under federal or state law shall not be entitled to the protections in subdivision (a) or (b).

(d) This section shall not relieve a private business or nonprofit organization from liability caused by its grossly negligent act or omission, or willful or wanton misconduct.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect public health and safety and better assist in the response to and recovery from the ongoing pandemic, as well as future catastrophic wildfires, earthquakes, floods, and other hazards as soon as possible, it is necessary for this act to take effect immediately.