



August 28, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

**RE: AB 1168 (Bennett): Emergency medical services (EMS): prehospital EMS
REQUEST FOR VETO**

Dear Governor Newsom,

On behalf of the California State Association of Counties (CSAC), Urban Counties of California (UCC), and Rural County Representatives of California (RCRC), we write to request your VETO on Assembly Bill 1168 by Assembly Member Bennett, which overturns extensive litigation and upends the Emergency Medical Services Act (EMSA). This bill will overturn unsuccessful legal action to give the City of Oxnard Section .201 Rights (Health and Safety Code 1797.201) which will fragment the EMS system in Ventura County and open Pandora's Box to other jurisdictions to follow suit when unsuccessful in the courts.

When the Emergency Medical Services (EMS) Act passed in 1980, California created a framework for a two-tiered system of EMS governance through both the state Emergency Medical Services Authority (EMSA) and Local Emergency Medical Services Agencies (LEMSAs). Counties are required by the EMS Act to create a local EMS system that is timely, safe, and equitable for all residents. To do so, counties honor .201 authorities and contract with both public and private agencies to ensure coverage of underserved areas regardless of the challenges inherent in providing uniform services throughout geographically diverse areas.

The City of Oxnard failed in litigation to prove they had .201 authorities – that is, the statute that allows eligible city and fire districts which have continuously served a defined area since the 1980 EMS Act was implemented to administer EMS therein, including providing their own or contracted ground ambulance service.

In *City of Oxnard v. County of Ventura*, the court concluded that their case “**would disrupt the status quo, impermissibly broaden Health and Safety Code section**

1797.201's exception in a fashion that would swallow the EMS Act itself, fragment the long-integrated emergency medical system, and undermine the purposes of the EMS Act."

AB 1168, as noted, overturns years of case law and agreements between cities and counties regarding the provision of emergency medical services, and as drafted, causes a great deal of uncertainty for counties who are the responsible local government entity for providing equitable emergency medical services for all of their residents. Unfortunately, this measure creates a system where there will be haves and have nots – well-resourced cities or districts will be able to provide robust services whereas disadvantaged communities, with a less robust tax base, will have a patchwork of providers – the very problem the EMS Act, passed over 40 years ago, intended to resolve.

While we have concerns with additional amendments in AB 1168, our focus is on the impact that overturning case law for .201 Authority will have on the EMS system and on comprehensive EMS services in counties. Furthermore, we support the current EMSA work to promulgate clear and collaborative regulations to address these important EMS system design matters (specifically, CCR, Title 22, Chapter 1 – previously referred to as 'Chapter 13' regulations).

Our respective members are deeply alarmed by the effort by the bill's sponsors to use AB 1168 to dismantle state statute, regulations, and an extensive body of case law regarding the local oversight and provision of emergency medical services in California. This bill creates fragmented and inequitable EMS medical services statewide. For these reasons, the undersigned representatives of our organizations strongly request your VETO on AB 1168.

Respectfully,



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cc: Angela Pontes, Deputy Legislative Secretary, Office of Governor Newsom
Brendan McCarthy, Acting Undersecretary, CalHHS
Samantha Lui, Deputy Secretary, Legislative Affairs, CalHHS
Julie Souliere, Assistant Secretary, Office of Program and Fiscal Affairs, CalHHS