

**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
LEGISLATIVE SUMMARY
2012**

Compiled by the
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LEGISLATIVE SUMMARY 2012

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<u>BILL #</u>	<u>AUTHOR</u>	<u>CHAPTER</u>	<u>SUBJECT</u>
AB 2529	Wieckowski		Safe Drinking Water State Revolving Fund

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CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

Chronic Disease and Injury Control

AB 441 Monning (Chapter 365)
TRANSPORTATION PLANNING

AB 441, sponsored by the California Pan-Ethnic Health Network, will require the California Transportation Commission (CTC) to include in the next revision of the regional transportation plan (RTP) guidelines an attachment that provides a summary of policies, practices, or projects that have been employed by metropolitan planning organizations (MPOs), that promote health and health equity.

AB 1452 Hill (Chapter 185)
VEHICLES: CHILD PASSENGER SAFETY RESTRAINT EDUCATION

This bill requires hospitals, birthing centers, and clinics to educate parents on where a low cost child safety seat can be purchased, inspected and installed.

AB 1915 Alejo (Chapter 640)
SAFE ROUTES TO SCHOOLS

AB 1915 expands the allowable use of California Department of Transportation (Caltrans) Safe Routes to School (SR2S) state program funds, specifying that up to 10 percent of these funds may be used to assist eligible recipients in making infrastructure improvements, other than school bus shelters, which create safer routes to school bus stops that are located outside the vicinity of schools.

AB 2094 Butler (Chapter 511)
DOMESTIC VIOLENCE PROBATION: FEE

AB 2094 will increase the minimum payment collected from convicted batterers in a domestic violence (DV) case from \$400 to \$500. It will also require the court to document in the court record the reason why the fee was reduced or waived. This bill contains amendments to prevent chaptering issues with AB 1165.

AB 2246 Perez, John A. (Chapter 446)
PUBLIC HEALTH: FOOD ACCESS

This bill requires the California Healthy Food Financing Initiative (CHFFI) Council, to establish and maintain an Internet website with prescribed information, including information on actions that the CHFFI Council has taken and funding sources that are available to support access to healthy foods, by March 31, 2013.

SB 1359 Simitian (Chapter 456)
PERSONAL INCOME TAXES: CONTRIBUTIONS: CALIFORNIA BREAST CANCER RESEARCH FUND: CALIFORNIA CANCER RESEARCH FUND

This bill extends the end date of two California tax check-offs – the California Breast Cancer Research Fund and the California Cancer Research Fund from January 1, 2013 to January 1, 2018.

SB 1436 Lowenthal (Chapter 71)
AUTOMATED EXTERNAL DEFIBRILLATORS

SB 1436 will delete the January 1, 2013, repeal date from existing law pertaining to the acquisition, maintenance, training, and testing of automated external defibrillators (AED), thereby indefinitely extending enactment of the code. This repeal will make permanent the existing protections, which will otherwise sunset on January 1, 2013, that provide general immunity from civil damages in connection with the use of AEDs.

CENTER FOR ENVIRONMENTAL HEALTH

Drinking Water and Environmental Management

AB 467 Eng (Veto)
ENVIRONMENT: SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006

This bill, sponsored by the San Gabriel Valley Water Authority, would have required CDPH to adopt emergency regulations governing the repayment and further utilization of Proposition 84 bond funds granted for the cleanup of groundwater contamination, if funds are subsequently recovered from responsible parties. It would have created an account for recovered funds and mandated specified oversight activities by CDPH or by the Department of Toxic Substances Control (DTSC) working under a Memorandum of Understanding (MOU) with CDPH.

- AB 685 Eng (Chapter 524)
STATE WATER POLICY
- AB 685, sponsored by a large coalition of water rights advocacy groups, declares that the established policy of the state is that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking and sanitary purposes, and requires all relevant state agencies to consider this policy when revising, adopting, or establishing policies, regulations, and grant criteria, when relevant.
- AB 1442 Wieckowski (Chapter 689)
PHARMACEUTICAL WASTE
- AB 1442, sponsored by EXP Pharmaceuticals Corp., allows pharmaceutical waste to be transported to specified locations by common carrier, rather than a registered waste hauler.
- AB 1782 Hill (Chapter 693)
WEIGHMASTERS: EXEMPTIONS
- AB 1782 exempts medical waste treatment facilities from the requirement of licensure as weighmasters through the California Department of Food and Agriculture (CDFA). The provisions of the bill will sunset on January 1, 2017.
- AB 2114 Smyth (Chapter 679)
SWIMMING POOL SAFETY
- AB 2114, sponsored by the California Spa and Pool Education Council, makes several technical updates to current law on anti-entrapment safety standards for public wading pools and residential and public swimming pools.
- AB 2174 Alejo (Chapter 198)
FERTILIZER: REDUCTION OF USE
- This bill specifies that an existing fee on the sale of fertilizers collected by the California Department of Food and Agriculture (CDFA) is also to be used to support University of California Cooperative Extension and other programs that advise farmers on measures to reduce fertilizer use and reduce its impact on groundwater quality and the emission of greenhouse gases resulting from fertilizer use. Specifically the language of the bill amends Section 14611 of the Food and Agriculture Code to expand the scope of how the fees collected and administered by CDFA can be used.

AB 2529

Wieckowski

SAFE DRINKING WATER STATE REVOLVING FUND

This bill was sponsored by CDPH and would have modified the Safe Drinking Water State Revolving Fund (SDWSRF) statutes by authorizing CDPH to adopt interim regulations as a means to more quickly respond to changes in state or federal SDWSRF laws and federal regulations, addressing long-term drinking water affordability and water system viability by requiring and funding a water rate analysis as part of a project, extending the time period for completing a planning project from 18 months to three years, placing requirements on grant funded projects regarding procedures for procurement of engineering, environmental compliance, or architectural services, and making other technical changes to CDPH's implementation of the SDWSRF. Through this bill, CDPH sought to improve access and ease procedures for providing grant funds to small water systems, particularly those serving severely disadvantaged communities. Following amendments made at the request of the Senate Environmental Quality Committee, the department ultimately withdrew sponsorship of the bill, which was then amended by the author late in the legislative session to address an unrelated topic.

SB 744

Wyland (Veto)

WATER SUBMETERS: TESTING

This bill, sponsored by the Utility Conservation Coalition, would have provided that any water submeter tested by the National Institute of Standards and Technology will be deemed sealed and approved for commercial use without state or local review.

This bill did not impact CDPH, but in his veto message, the Governor stated that he believes that a more uniformed process for certification of both water meters and water treatment devices is necessary, and directed CDPH to work with the Legislature on restructuring these certifications.

SB 1063

Gaines (Veto)

BEAR LAKE RESERVOIR: RECREATIONAL USE

SB 1063, sponsored by the Lake Alpine Water Company, would have allowed, until January 1, 2016, conditional body contact recreation (i.e. swimming) in Bear Lake Reservoir if specific water treatment, monitoring, and reporting requirements were met by the Lake Alpine Water Company.

In his veto message, the Governor urged the author and sponsors to work with CDPH to find a solution that allows for recreational swimming alongside effectively treated safe drinking water.

Food, Drug, and Radiation Safety

AB 377 Solorio (Chapter 687) PHARMACY

AB 377 will permit a centralized hospital pharmacy to repackage/relabel drugs for delivery to another pharmacy or hospital under common ownership located within a 75-mile radius. AB 377 will also allow a hospital pharmacy (as newly defined) to prepare and store a limited quantity of unit-dose medications in advance of receiving a patient-specific prescription. AB 377 expands the definition of "hospital pharmacy" to include not only a pharmacy located within any licensed hospital but also expands it to include a pharmacy that may be located outside of the hospital in another physical plant, or on a separate premises that is regulated under common ownership. AB 377 requires a centralized hospital pharmacy to obtain a specialized license from the Board of Pharmacy (BOP).

AB 510 Lowenthal (Chapter 106) RADIATION CONTROL: HEALTH FACILITIES AND CLINICS: RECORDS

AB 510 will clarify the circumstances requiring reports to the California Department of Public Health (CDPH). Specifically, AB 510 will require that facilities use three specific protocols to verify displayed dose accuracy, remove an exemption in current law that exempts accredited facilities from the requirement to perform the annual verification, and will specify that a facility with an accredited computed tomography (CT) X-ray system may elect to not perform the verification. This bill will also specify that the CT X-ray system rather than the facility must be accredited, will exempt certain non-diagnostic CT usage from the dose recording and accreditation requirements, change the reporting criteria for repeat CT examinations, and require reporting of CT studies performed without a physician order if dose criteria are exceeded. AB 510 makes optional the requirement that all CT studies, technical factors, and dose indices be sent electronically to a picture archival communication system (PACS). AB 510 will also extend the required event reporting timeframe from five days to ten days for CT events. This bill contains an urgency clause and will become effective immediately upon its chapter.

AB 1277 Hill and Perea (Chapter 688)
SHERMAN FOOD, DRUG, AND COSMETIC LAW

AB 1277 will require the California Department of Public Health (CDPH) to issue a license to a drug or medical device manufacturer when the manufacturer presents evidence of ownership and either a valid U.S. Food and Drug Administration (FDA) biologic license, a valid federal establishment registration, proof of compliance with International Standards Organization (ISO) standards or the business is operating pursuant to an approved Investigational New Drug (IND) application or an approved Investigational Device Exemption (IDE) application issued by the FDA. AB 1277 will require CDPH to perform investigations or inspections only if CDPH becomes aware of an issue and has made a determination that the health and safety of the public is at risk, a complaint has been registered and the Department determines the public health and safety is at risk, notification has been received from FDA of any Class I or II recall action, or when FDA requests assistance for enforcement activities.

AB 1301 Hill (Chapter 335)
RETAIL TOBACCO SALES: STAKE ACT

AB 1301 will increase tobacco control efforts in California by providing the California Board of Equalization (BOE) with enhanced enforcement of BOE licensed retailers who violate the Stop Tobacco Access to Kids Enforcement (STAKE) Act. The bill will require the California Department of Public Health (CDPH) to notify BOE of a third, fourth or fifth STAKE Act violation committed by a same retailer within a five-year period. Upon notification from CDPH, BOE will be required to assess an additional \$250 civil penalty and suspend or revoke a retailer's license. AB 1301 will also extend the immunity provided under the STAKE Act to youths under 18 years of age participating in tobacco enforcement activities to law enforcement agencies who conduct Penal Code (PC) 308 checks.

AB 1427 Solorio (Chapter 629)
FOOD FACILITIES: SANITIZATION

AB 1427 will amend the California Retail Food Code to add ozone solutions generated by on-site generation devices to the list of manufactured sanitizers approved for manually sanitizing dishes, utensils, and equipment in retail food facilities, provided that the ozone solution and the ozone solution generating device complies with the federal acts and regulations specified in the bill.

AB 1616 Gatto (Chapter 415)
FOOD SAFETY: COTTAGE FOOD OPERATIONS

AB 1616 will allow individuals to prepare and/or package food in private-home kitchens (referred to as “cottage food operations” [CFOs]) for sale. The bill will exempt CFOs from the requirement to obtain a Processed Food Registration (PFR), the definition of “food processing establishment,” the definition of “food processing facility,” and the retail “food facility” definition.

AB 1616 will create a two-tiered CFO registration and permitting system to be enforced by local environmental health agencies and will mandate that the California Department of Public Health (CDPH) provide technical expertise and on-going food safety training to CFO operators and local environmental health agency staff.

SB 1199 Dutton (Chapter 358)
RADIOLOGIC TECHNOLOGISTS

This bill will allow a certified radiologic technologist (CRT) to use a saline-based solution to ensure the security and integrity of the placement of a needle or of an intravenous cannula as long as that use is in accordance with the facility protocol and is approved by a licensed physician and surgeon. This bill will also apply these provisions to a person who is currently certified as a nuclear medicine technologist who meets specified requirements, and to radiologic technologists who meet the bill's training and education requirements prior to January 1, 2013.

SB 1465 Yee (Chapter 658)
FOOD SAFETY: ASIAN RICE-BASED NOODLES

This bill will redefine Asian rice-based noodle as rice-based pasta. The bill will also set destruction and labeling requirements for these Asian rice-based noodle products based on the time the products are first removed from hot holding if they do not meet pH or water activity limitations, temperature requirements, or if the California Department of Public Health (CDPH) has not determined them to be a non-potentially hazardous food. This bill will exempt Asian rice-based noodles time-temperature requirements if the Asian rice-based noodles do not support the rapid and progressive growth of specified microorganisms.

CENTER FOR FAMILY HEALTH

Maternal, Child, & Adolescent Health

AB 1217 Fuentes (Chapter 466) **SURROGACY AGREEMENTS**

AB 1217 will modify Section 7960 of the Family Code to include a definition for the term “Surrogate” and will propose to add Section 7962 to the Family Code to define the expansive and broad legal requirements of an assisted reproduction agreement and how these proposed requirements impact the parties who choose to enter into an assisted reproduction agreement. These requirements include separate counsel for each party, notarization/witnessing of the agreement, and the proper and full execution of the agreement.

The bill will also require the parties to the assisted reproduction agreement for gestational carriers to attest, under penalty of perjury, to their full compliance with the provisions of the agreement. Separate actions or petitions may be filed by either party to establish a parent-child relationship between the intended parents or between the surrogate.

Women, Infants, and Children

AB 2280 Lara (Chapter 822) **CALIFORNIA SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN**

AB 2280 will require the California Department of Public Health to provide written notification, as prescribed in Federal regulations, to an authorized Special Supplemental Food Program for Women, Infants, and Children (WIC) vendor within 30 days after the Department has completed a first investigation identifying a program violation for which a pattern of violation is required before establishing a sanction. Further, the notification must include a description of the violation, including a 60-day time range of when the violation occurred. The notification will be provided to the vendor 30 days before the Department conducts a second investigation for purposes of establishing a pattern. Finally, the term “violation” is more clearly defined in this bill as a violation as set forth in Section 246.2 of Title 7 of the Code of Federal Regulations.

AB 2322 Gatto (Chapter 787)
**CALIFORNIA SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR
WOMEN, INFANTS, AND CHILDREN**

AB 2322 requires the California Department of Public Health (CDPH) to comply with federal law and conditions of federal funding and to adopt all mandatory federal program requirements, memoranda and guidance letters as they relate to the Special Supplemental Food Program for Women, Infants, and Children (WIC). The bill authorizes CDPH, without taking regulatory action, to implement and interpret program requirements through a vendor bulletin or similar instructions.

CDPH will be required to establish criteria for: 1) vendor peer groups and reimbursement system, 2) vendor authorization, 3) WIC Program authorized foods. This bill will require CDPH to notify and consult with affected stakeholders and provide an opportunity for written comment when establishing that criteria. In addition, this bill will require CDPH to specify criteria the department will use and actions the department will take when initiating a moratorium on new WIC Program vendor location applications. This bill contains an urgency clause.

CENTER FOR HEALTH CARE QUALITY

Licensing and Certification

AB 40 Yamada (Chapter 659)
ELDER AND DEPENDENT ADULT ABUSE: REPORTING

AB 40, requires a mandated reporter to file a telephone and written report within two hours of suspected abuse that occurred in a long-term care facility (LTHCF) to the corresponding licensing agency, and to the local Long-Term Care Ombudsman, and if the abuse results in serious bodily injury of an elder or dependent adult, directly to the local law enforcement (LLE) agency. If the suspected abuse does not result in serious bodily injury, the reports must be made to the same agencies within 24 hours. The bill also declares that the reports fulfill the Federal Elder Justice Act of 2009 reporting requirements. Lastly, the bill allows the LLE agency to coordinate with the Ombudsman on the investigation for suspected or alleged abuse and develop protocols for investigating abuse in LTHCFs.

AB 276 Alejo (Chapter 686)
CENTRAL COAST HOSPITAL AUTHORITY

AB 276 authorizes the County of Monterey's Board of Supervisors to form the Central Coast Hospital Authority (CCHA) for the purpose of administering Natividad Medical Center (NMC) and any other health facilities with which NMC may affiliate or consolidate. The bill grants CCHA the duties, privileges, immunities, rights, liabilities, and limitations of a separate local unit of government, including opportunities for seeking electorate approval to issue bonds and levy taxes. The bill prescribes processes for transferring NMC and other health facility employees and their benefits to CCHA, including contracting with the Public Employees Retirement Systems. The bill specifies that CCHA would retain eligibility for all sources of funding available to NMC and other health facilities.

AB 389 Mitchell (Chapter 75)
BLEEDING DISORDERS

AB 389, sponsored by the Hemophilia Council of California, imposes requirements on providers of blood clotting products for home use for the treatment and prevention of bleeding disorders including hemophilia.

AB 491 Ma (Chapter 772)
GENERAL ACUTE CARE HOSPITALS: CARDIAC CATHETERIZATION

AB 491, sponsored by the California Hospital Association, beginning March 1, 2013, authorizes up to two hospitals to expand their cardiac catheterization laboratory service provided that the service complies with applicable laws, is connected to the main hospital building, and the service performs no more than 25 percent of its procedures on hospital inpatients. A hospital can only operate an expanded catheterization laboratory service after March 1, 2014, when regulations have been adopted by the California Department of Public Health and the Office of Statewide Health Planning and Development.

AB 1489 Committee on Budget (Chapter 631)
PUBLIC HEALTH: MEDI-CAL: NURSING FACILITIES

This bill extends the sunset dates for the nursing home quality assurance fee and rate adjustments necessary for the Department of Health Care Services (DHCS) and the California Department of Public Health (CDPH) to implement the Healthy Families Program. This bill will take effect immediately as an urgency statute.

AB 1710 Yamada (Chapter 672)

NURSING HOME ADMINISTRATORS: FEES AND FINES

AB 1710 allows the Nursing Home Administrator Program (NHAP) fees and fines to be paid into the California Department of Public Health's Licensing and Certification (L&C) Program Fund. The bill consolidates the NHAP fees and fines report with the L&C Special Fund report and aligns the NHAP's fee methodology with that of similar facility type fee methodology.

AB 1867 Pan (Chapter 194)

HEALTH FACILITIES: EQUIPMENT STANDARDS

AB 1867, sponsored by the Advanced Medication Technology Association, extends to January 1, 2016, the implementation date by which health facilities must use epidural, intravenous (IV) or enteral line connectors that cannot fit into connection ports other than the type for which they are intended. The current implementation dates for these requirements are dependent upon the promulgation of new federal standards, but cannot be later than January 1, 2014, for epidural connectors, and January 1, 2013, for intravenous and enteral connections.

AB 2149 Butler (Chapter 644)

ELDER AND DEPENDENT ADULT ABUSE: SETTLEMENT: GAG ORDER

AB 2149, sponsored by California Advocates for Nursing Home Reforms, California Commission on Aging and the California Senior Legislature, beginning January 1, 2013, prohibits gag clauses in civil settlement agreements involving elder abuse. Additionally, the bill provides that civil settlement agreements that inhibit the reporting of elder abuse to public agencies, protection and advocacy agencies or the defendant's current employer is void and against public policy.

- AB 2297 Hayashi (Chapter 725)
CALIFORNIA RETAIL FOOD CODE: SKILLED NURSING FACILITIES: INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED
- AB 2297, sponsored by California Association of Health Facilities, excludes three types of small (six or fewer beds) long-term health care facilities (LTHCFs) from the current California Retail Food Code (CRFC) definition of “food facility,” thereby exempting them from permitting and enforcement activities by local environmental health departments. The bill also requires that those LTHCFs report any foodborne illnesses to the California Department of Public Health within 24 hours following the outbreak. In addition, the bill clarifies that the Office of Statewide Health Planning and Development has primary enforcement jurisdiction under the CRFC regarding structural requirements for food facility construction projects at skilled nursing facilities.
- SB 135 Hernandez (Chapter 673)
HOSPICE FACILITIES
- SB 135, sponsored by California Hospice and Palliative Care Association, creates a licensure category for hospice facilities and allows the California Department of Public Health (CDPH) to use the federal Medicare Conditions of Participation as the basis for licensure until CDPH adopts regulations governing hospice facilities.
- SB 630 Alquist (Chapter 18)
HOSPITALS: LICENSURE
- SB 630, allows Stanford Hospital & Clinics (Stanford) and Lucile Packard Children's Hospital at Stanford to be treated as a single licensed facility for purposes of providing emergency services and care to active labor patients presenting to the emergency department at Stanford under specified conditions.
- SB 1095 Rubio (Chapter 454)
PHARMACY: CLINICS
- SB 1095, sponsored by California Ambulatory Surgical Association, expands the term “clinic” to include accredited or Medicare certified ambulatory surgical centers to obtain a Board of Pharmacy license to purchase drugs at wholesale for administering or dispensing to patients.

SB 1228 Alquist (Chapter 671)
SMALL HOUSE SKILLED NURSING FACILITIES

SB 1228, sponsored by NCB Capital Impact, establishes the Small House Skilled Nursing Facilities Pilot Program within the California Department of Public Health (CDPH), permitting CDPH to formulate, with stakeholders, design and operational standards for “small house skilled nursing facilities” (SHSNFs) -- small-capacity skilled nursing facilities with homelike, non-institutional environments that are capable of being certified for Medicare/Medi-Cal participation. The bill allows CDPH to: publish the SHSNF standards in all facilities letters, accept up to ten facilities as pilot program participants, establish evaluation criteria, waive existing state regulations in specified circumstances, and recover program costs from participants. The bill also requires a report to the Legislature two years before the pilot program’s conclusion on December 31, 2019.

SB 1246 Hernandez (Veto)
HEALTH FACILITIES: STAFFING

SB 1246, sponsored by United Nurses Association of California and American Federation of State, County and Municipal Employees, would have required hospitals to maintain a patient classification system to be reviewed and updated annually. The bill specified that California Department of Public Health’s periodic inspections of hospitals include a review of compliance with staffing requirements and further specifies that hospital compliance with state and federal staffing requirements be considered when determining the amount of administrative penalties.

SB 1318 Wolk (Veto)
HEALTH FACILITIES: INFLUENZA VACCINATIONS

SB 1318, sponsored by California Medical Association, California Association for Nurse Practitioners, and the Health Officers of Association of California, effective January 1, 2015, the bill would have required clinics and health facilities either to achieve a 90 percent or higher vaccination rate each year or adopt the California Department of Public Health model mandatory vaccination policy developed in consultation with the California Conference of Local Health Officers during the following flu season. The bill would have required licensed health facilities and clinics to institute measures to:

- maximize influenza vaccination rates of medical staff and onsite health care workers (HCWs),
- offer no-cost influenza vaccination to all employees,

- require all HCWs, including medical staff, either to receive annual influenza vaccination or adhere to the most effective measures to prevent contracting or transmitting influenza, as defined by the facility or clinic, and
- maintain an annual record of its HCWs vaccination rate.

This bill was vetoed by the Governor on September 30, 2012. In the veto message the Governor stated his reason for not signing the bill was that he believes that local governments and health facilities are well equipped with making decisions on their own to have their health care workers vaccinated against influenza.

SB 1329 Simitian (Chapter 709)

PRESCRIPTION DRUGS: COLLECTION AND DISTRIBUTION PROGRAM

SB 1329, sponsored by Supporting Initiatives to Redistribute Unused Medications, amends the process for a county to establish a repository and distribution program (RDP) for the distribution of medication to medically indigent patients. Specifically, the bill allows several additional categories of health care facilities to donate medications to an RDP and allow primary care clinic pharmacies and dispensaries, along with the currently allowed county pharmacies, to distribute the donated medications, provided they are in good standing with the California Board of Pharmacy (BOP). Lastly, the bill gives the BOP the authority to prohibit a pharmacy or primary care clinic from participating in the RDP.

SB 1377 Corbett (Chapter 664)

PROTECTION AND ADVOCACY AGENCIES

SB 1377, sponsored by Disability Rights California, allows a protection and advocacy agency, representing a person with a disability, to obtain specified unredacted records from the California Department Public Health and the Department of Social Services that are otherwise confidential.

CENTER FOR INFECTIOUS DISEASES

AIDS, Office of

AB 1468 Committee on Budget (Chapter 438)
HEALTH

This bill will make various changes to the Coordinated Care Initiative (CCI) established within the Department of Health Care Services (DHCS). AB 1468 will take effect immediately as this bill relates to the budget. Section 29 of Assembly Bill 1468 permits the California Department of Public Health (CDPH), Office of AIDS (OA) to share Ryan White HIV/AIDS Program (Ryan White) client data with a county Low Income Health Program (LIHP) for the purpose of LIHP implementation and permits a county LIHP to share Ryan White client data with CDPH. Any further disclosure of Ryan White client data by a local LIHP is limited to the Ryan White client or his/her designated representative, the Ryan White client's HIV health care provider, and OA. Disclosed Ryan White client data would be subject to the confidentiality protections of California Health and Safety (H&S) Code Section 121025.

AB 2253 Pan (Chapter 698)
**CLINICAL LABORATORY TESTS RESULTS: ELECTRONIC
CONVEYANCE**

AB 2253 will allow a health care professional (if requested by the patient, deemed appropriate by the health care professional, and after they have discussed the test results with the patient by telephone, in person, or by any other means of oral communication) to disclose the following clinical laboratory test results by Internet posting or other electronic means: 1) HIV antibody test; 2) test related to the presence of antigens indicating a hepatitis infection; 3) test indicating the abuse of drugs; and 4) test related to specified routinely processed tissues if they reveal a malignancy. AB 2253 will clarify that the telephone is not considered an electronic form of disclosing laboratory test results.

SB 1195 Price (Chapter 706)
AUDITS OF PHARMACY BENEFITS

SB 1195, sponsored by the California Pharmacists Association, imposes specified requirements on an audit of pharmacy services provided to beneficiaries of a health benefit plan. This bill includes an exemption for audits conducted by, or at the direction of, the California Department of Public Health (CDPH), California Department of Health Care Services (DHCS), the California Board of Pharmacy, or the Medicare program.

Communicable Disease Control

AB 2009 Galgiani (Chapter 443)

COMMUNICABLE DISEASE: VACCINATIONS

AB 2009 will permit CDPH to provide guidance to local health departments (LHDs) indicating whether population groups should be prioritized for flu vaccine, using federal influenza recommendations to meet public health goals. Any guidance issued by CDPH will be exempt from the rulemaking provisions of the Administrative Procedures Act.

This bill will also clarify that the goal of the other vaccines permitted to be purchased under H&S Code Section 120392.3 (c) is to prevent the spectrum of respiratory infections, not just pneumonia.

AB 2109 Pan (Chapter 821)

COMMUNICABLE DISEASE: IMMUNIZATION EXEMPTION

AB 2109 (sponsored by the American Academy of Pediatrics; California Medical Association; and Health Officers Association of California) will revise the Health and Safety (H&S) Code to add criteria for obtaining an exemption to immunizations required for pupils to enter school. Effective January 1, 2014, parents or guardians seeking an exemption because immunization is contrary to their beliefs would need to provide an original or copy of a statement signed by a health care practitioner and parent, on a form prescribed by the California Department of Public Health (CDPH), indicating that the practitioner has provided, and the parent has received, information about immunization and vaccine-preventable diseases. Issuance and revision of the form will be exempt from the rulemaking provisions of the Administrative Procedure Act. This bill will also define "health care practitioner" for the purposes of this section.

SB 659 Negrete McLeod (Chapter 267)

IMMUNIZATIONS: DISCLOSURE OF INFORMATION: TUBERCULOSIS SCREENING

SB 659, sponsored by the Health Officers Association of California, will add tuberculosis (TB) screening results to the list of information that may be disclosed by health care providers and other agencies, to local health officers (LHO) operating immunization information systems (IIS) and the California Department of Public Health (CDPH). The author's stated purpose is to allow schools to view both immunization and TB test result information at the same time within the same registry, saving time for both schools and parents.

Emergency Preparedness, Office of

AB 1793 Yamada (Chapter 166)
**PUBLIC HEALTH: FEDERAL FUNDING: PUBLIC HEALTH
EMERGENCIES**

AB 1793, sponsored by the California Association of Health Facilities, will add long-term health care facilities to the itemized list of health care response partners that are currently exempt from the Public Contract Code under Health and Safety Code Section 101319. This bill will repeal the January 1, 2013 sunset date of provisions relating to exemptions from the Public Contract Code for distribution of these funds. AB 1793 will take effect immediately as an urgency statute.

Laboratory Field Services

AB 761 Hernandez, Roger (Chapter 714)
OPTOMETRISTS

This bill, sponsored by the California Optometric Association, will add licensed optometrists (ODs) to the list of persons who are authorized under current law to perform a clinical laboratory test or examination classified as waived under the federal Clinical Laboratory Improvement Amendments (CLIA) of 1988. This bill will also include, in the definition of "laboratory director" for purposes of a clinical laboratory test or examination classified as waived, a duly licensed optometrist serving as the director of a laboratory, which only performs clinical laboratory testing as specified. This bill contains double joining language with Senate Bill 1481

AB 2356 Skinner (Chapter 699)
TISSUE DONATION

This bill, sponsored by the Equality California & National Center for Lesbian Rights, provides immunity from damages or disciplinary action or peer review for physicians and surgeons that follow California law as it pertains to allowing a sperm recipient to waive repeat testing of a known sperm donor. This bill will duplicate a provision already included in current law that allows the recipient of sperm, which was donated by a sexually intimate partner (SIP), as defined, for reproductive use to waive repeat testing of the donor for evidence of infection with human immunodeficiency virus (HIV), viral hepatitis (HBV and HCV), syphilis, and T lymphotropic virus (HTLV), if the recipient is informed of the donor testing requirements, and signs a written waiver. This bill corrects the acronym ART to mean Assisted Reproductive Technology rather than Advanced Reproductive Technology and defines the term "sexually intimate partner".

SB 289 Hernandez (Chapter 352)
CLINICAL LABORATORY TECHNIQUES: TRAINING AND INSTRUCTION

This bill authorizes the California Department of Public Health (CDPH) to expand on the approved types of specified institutions instructing or training in clinical laboratory techniques to include California licensed clinical laboratories, accredited colleges or universities in the United States of America, United States military medical laboratory specialist programs, and laboratories owned and operated by the United States government. Also, SB 289 will re-order specific definitions in current law.

SB 1481 Negrete McLeod (Chapter 874)
CLINICAL LABORATORIES: COMMUNITY PHARMACIES

This bill, sponsored by the California Pharmacists Association, will allow a pharmacist to direct and perform, if requested by the consumer, specified waived laboratory tests (glucose, A1c, and cholesterol) that are classified as over-the-counter (OTC) laboratory test kits without employing a laboratory director provided the pharmacy obtains a valid federal Clinical Laboratory Improvement Amendments (CLIA) certificate of waiver, a State certificate of registration, and complies with requirements for waived clinical laboratory tests under applicable federal and state regulations.

This bill is double joined with AB 761, as both bills will amend Business and Professions (B & P) Code 1206.5, to authorize pharmacists and optometrists to perform other waived tests as defined in their respective scopes of practice.

Department Wide

SB 71 Leno (Chapter 728)
STATE AGENCIES: BOARDS, COMMISSIONS, AND REPORTS

SB 71 will repeal various legislatively mandated reports, studies, plans, and evaluations. SB 71 will also modify the requirement of various mandated reports to, among other things, require the posting of information on the website of the affected state agency, department or commission. SB 71 will also eliminate the Lead in Candy Interagency Collaborative under the California Department of Public Health.

2012 ENROLLED BILLS

BILL NUMBER	AUTHOR	FINAL STATUS	CHAPTER	PROGRAM*	PAGE NUMBER
AB 40	Yamada	Sign	659	LC	9
AB 172	Eng	Veto	-----	AD	-----
AB 217	Carter	Veto	-----	CD	-----
AB 276	Alejo	Sign	686	LC	10
AB 377	Solorio	Sign	687	FR	5
AB 389	Mitchell	Sign	75	LC	10
AB 441	Monning	Sign	365	CD	1
AB 467	Eng	Veto	-----	DE	2
AB 491	Ma	Sign	72	LC	10
AB 510	Lowenthal, B.	Sign	106	FR	5
AB 685	Eng	Sign	524	DE	3
AB 761	Hernandez, R.	Sign	714	LB	17
AB 823	Dickinson	Veto	-----	MA	-----
AB 1217	Fuentes	Sign	466	MA	8
AB 1277	Hill	Sign	688	FR	6
AB 1278	Hill	Veto	-----	LC	-----
AB 1301	Hill	Sign	335	FR	6
AB 1427	Solorio	Sign	629	FR	6
AB 1442	Wieckowski	Sign	689	DE	3
AB 1452	Hill	Sign	185	CD	1
AB 1468	Comm. On Budget	Sign	438	AS	15
AB 1489	Comm. On Budget	Sign	631	LC	10
AB 1513	Allen	Veto	-----	FR	-----
AB 1594	Eng	Veto	-----	CD	-----
AB 1616	Gatto	Sign	415	FR	7
AB 1710	Yamada	Sign	672	LC	11
AB 1782	Hill	Sign	693	DE	3
AB 1793	Yamada	Sign	166	EP	17
AB 1852	Campos	Veto	-----	HI	-----
AB 1867	Pan	Sign	194	LC	11
AB 1915	Alejo	Sign	640	CD	1
AB 2009	Galgiani	Sign	443	DC	16
AB 2094	Butler	Sign	511	CD	1
AB 2109	Pan	Sign	821	DC	16
AB 2114	Smyth	Sign	679	DE	3

AB 2149	Butler	Sign	644	LC	11
AB 2174	Alejo	Sign	198	DE	3
AB 2246	John A. Perez	Sign	446	CD	2
AB 2253	Pan	Sign	698	AS	15
AB 2280	Lara	Sign	822	WC	8
AB 2297	Hayashi	Sign	725	LC	12
AB 2322	Gatto	Sign	787	WC	9
AB 2356	Skinner	Sign	699	LB	17
SB 71	Leno	Sign	728	AS	18
SB 100	Calderon	Veto	-----	LC	-----
SB 135	Hernandez	Sign	673	LC	12
SB 289	Hernandez	Sign	352	LB	18
SB 336	Lieu	Veto	-----	LC	-----
SB 359	Hernandez	Veto	-----	FR	-----
SB 393	Hernandez	Veto	-----	LC	-----
SB 408	Hernandez	Veto	-----	LC	-----
SB 442	Calderon	Veto	-----	LC	-----
SB 630	Alquist	Sign	18	LC	12
SB 659	Negrete McLeod	Sign	267	DC	16
SB 747	Kehoe	Veto	-----	LC	-----
SB 975	Wright	Veto	-----	FR	-----
SB 977	Yee	Veto	-----	FR	-----
SB 1063	Gaines	Veto	-----	DE	-----
SB 1095	Rubio	Sign	454	LC	12
SB 1195	Price	Sign	706	AS	15
SB 1199	Dutton	Sign	358	FR	7
SB 1228	Alquist	Sign	671	LC	13
SB 1246	Hernandez	Veto	-----	LC	-----
SB 1318	Wolk	Veto	-----	LC	-----
SB 1329	Simitian	Sign	709	LC	14
SB 1359	Simitian	Sign	456	CD	2
SB 1377	Corbett	Sign	664	LC	14
SB 1436	Lowenthal	Sign	71	CD	2
SB 1465	Yee	Sign	658	FR	7
SB 1481	Negrete McLeod	Sign	874	LB	18

*See Program Assignments and Acronyms on Page 21.

PROGRAM ASSIGNMENTS AND ACRONYMS

PROGRAM	CODE
Administration	AD
AIDS, Office of	AS
Binational Border Health, Office of	BH
Budget Office	BO
Chronic Disease and Injury Control	CD
Civil Rights, Office of	CR
Communicable Disease Control	DC
Drinking Water and Environmental Management	DE
Environmental and Occupational Disease Control	EO
Emergency Preparedness	EP
Food, Drug, and Radiation Safety	FR
Genetic Disease Screening Program	GD
Health Information & Strategic Planning	HI
Internal Audits	IA
Information Technology	IT
Legislative and Governmental Affairs	LA
Laboratory Field Services	LB
Licensing and Certification	LC
Legal Services, Office of	LG
Maternal, Child and Adolescent Health	MA
Multicultural Health, Office of	MH
Patient Safety, Office of	PS
Women, Infants, and Children	WC
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SIGN MESSAGES/LETTERS TO JOURNAL

(Sign and Veto messages follow this index in numeric order.)

<u>BILL#</u>	<u>AUTHOR</u>	<u>SUBJECT</u>	<u>DIV</u>
AB 491	Ma	General Acute Care Hospitals: Cardiac Catheterization	LC
AB 2109	Pan	Communicable Disease: Immunization Exemption	DC
SB 289	Hernandez	Clinical Laboratory Techniques: Training and Instruction	LB

VETO MESSAGES

<u>BILL#</u>	<u>AUTHOR</u>	<u>SUBJECT</u>	<u>DIV</u>
AB 217	Carter	Workplace Smoking Prohibition: Long-Term Health Care Facilities	CD
AB 467	Eng	Environment: Safe Drinking Water, Water Quality And Supply, Flood Control, River and Coastal Protection Bond Act of 2006	DE
AB 823	Dickinson	California Children's Coordinating Council	MA
AB 1278	Hill	Health Facilities: Smoking	LC
AB 1513	Allen	Retail Food Facilities: Playgrounds	FR
AB 1594	Eng	Charter Schools: Pupil Nutrition	CD
AB 1852	Campos	Vital Records: Fees	HI
SB 336	Lieu	Emergency Room Crowding	LC
SB 359	Hernandez	Hospital Billing: Emergency Services and Care	FR
SB 393	Hernandez	Patient-Centered Medical Homes	LC
SB 975	Wright	Professions and Vocations: Regulatory Authority	FR
SB 977	Yee	Sherman Food, Drug, and Cosmetic Law: Nail Polish	FR
SB 1063	Gaines	Bear Lake Reservoir: Recreational Use	DE
SB 1246	Hernandez	Health Facilities: Staffing	LC
SB 1318	Wolk	Health Facilities: Influenza Vaccinations	LC