

**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
LEGISLATIVE SUMMARY
2007**

Compiled by the
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**2007 CALIFORNIA DEPARTMENT OF PUBLIC HEALTH/
ADMINISTRATION SPONSORED LEGISLATION**

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BORDER HEALTH, OFFICE OF

AB 328 Salas (Chapter 481)
HEALTH CARE SERVICE PLANS: DISEASE REPORTS

AB 328, sponsored by the author, requires health care service plan contracts to require health care providers who provide services to persons in Mexico to report specific diseases or conditions to local health officers, consistent with existing communicable disease reporting requirements.

CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

Chronic Disease and Injury Control

AB 1585 Lieber (Chapter 445)
TOBACCO PRODUCTS: NONSALE DISTRIBUTION

AB 1585, sponsored by the author, includes gift certificates, gift cards, or other similar offers in the definition of “nonsale distribution” of tobacco products, which is prohibited in public places by anyone in the business of selling or distributing smokeless tobacco or cigarettes. It also clarifies that the same criteria for the legal sale of tobacco products by mail, telephone, fax, and Internet (e.g., age verification) also applies to the nonsale distribution of tobacco products.

SB 7 Oropeza (Chapter 425)
SMOKING IN VEHICLES WITH MINOR PASSENGERS

SB 7, sponsored by the author, makes it an infraction for a person to smoke a pipe, cigar, or cigarette in a motor vehicle while a minor (less than 18 years of age) is present. Law enforcement officers will be prohibited from stopping a vehicle for the sole purpose of determining a smoking violation. Each infraction results in a maximum fine of one hundred dollars (\$100).

SB 490 Alquist (Chapter 648)
PUPIL NUTRITION: TRANS FAT

SB 490, sponsored by the author, prohibits a school or school district from making available to students in kindergarten to grade 12 (K-12), through a vending machine or school food service establishment, during school hours and up to one-half of an hour before and after school hours, any food containing artificial trans fat, or use food containing artificial trans fat in the preparation of a food item served to those pupils, beginning July 1, 2009.

SB 624 Padilla (Chapter 653)
TOBACCO PRODUCTS: MINORS

SB 624, sponsored by the author, 1) authorizes state agencies in addition to the California Department of Public Health (CDPH), and local law enforcement agencies, to enforce the Stop Tobacco Access to Kids Enforcement (STAKE) Act and assess civil penalties; 2) increases the civil penalty amounts for violations of STAKE Act, including the first and second violations for selling tobacco products to minors and create a civil penalty for not posting the required age-of-sale warning signs at each point-of-purchase; 3) eliminates the \$300,000 cap on the amount of fine money that can be deposited in the Sale of Tobacco to Minors Control (STMC) Account in any one fiscal year; 4) eliminates the requirement for CDPH to enter into an agreement with local law enforcement agencies in order for them to enforce STAKE Act; and 5) encourages state and local enforcement agencies to coordinate and share the results of their STAKE Act inspections with CDPH in order to avoid duplication.

SB 625 Padilla (Chapter 654)
CIGARETTE AND TOBACCO PRODUCT RETAILERS: LICENSE FEES

SB 625, sponsored by the Board of Equalization, imposes a \$100 reinstatement fee on tobacco retailers who renew their annual licenses after the expiration date.

Environmental and Occupational Disease Control

AB 1108 Ma (Chapter 672)
CHILDREN'S PRODUCTS: PHTHALATE

AB 1108 prohibits the manufacture, distribution, or sale of toys and child care articles that contain specified minimum quantities of phthalates, which are chemicals widely used to increase the softness and malleability of certain plastics. The bill also requires manufacturers to choose least toxic alternatives to replace phthalates in the products, and prohibits the use of specified carcinogens and reproductive toxins as replacements. The bill has a delayed operative date of January 1, 2009.

SB 774 Ridley-Thomas (Chapter 96)
HAZARDOUS PACKAGING

SB 774, sponsored by the Los Angeles City Attorneys Office, amends the Toxics in Packaging Prevention Act to specify the upper lead level permissible in painted or ceramic labels on glass bottles.

CENTER FOR ENVIRONMENTAL HEALTH

Drinking Water and Environmental Management

AB 783 Arambula (Chapter 614)
PUBLIC WATER SYSTEMS

AB 783, sponsored by the author, directs the California Department of Public Health (CDPH) to give preference to funding public water system projects in disadvantaged communities. Special emphasis is given in the bill to consolidating small water systems. The bill also raises the maximum value of oral contracts that can be entered into in emergencies from \$5,000 to \$10,000.

AB 1404 Laird (Chapter 675)
WATER MEASUREMENT INFORMATION

AB 1404, sponsored by the author, requires the Department of Water Resources (DWR), SWRCB, the California Bay Delta Authority (CBDA), and the California Department of Public Health (CDPH) to evaluate the feasibility of developing a coordinated water measurement database. The agencies are to report to the Legislature by January 1, 2009. This bill is double-joined to SB 862 (Kuehl), which requires DWR to report on the State Water Project.

AB 1406 Huffman (Chapter 537)
**RECYCLED WATER: TOILET AND URINAL FLUSHING:
CONDOMINIUMS**

AB 1406, sponsored by the Irvine Ranch Water District and Marin Municipal Water District, permits the use of recycled water for toilet and urinal flushing in individually owned condominium units.

SB 793 Harman (Chapter 479)
PUBLIC SWIMMING POOLS

SB 793, sponsored by the California Park and Recreation Society, revises the outdated descriptions of lifesaving certificates that are required of lifeguards at public swimming pools and persons providing aquatic instruction. The bill also adds a requirement for the California Department of Public Health (CDPH) to establish equivalent qualifications to the American Red Cross and YMCA of the U.S.A. (YMCA) certificate programs through regulations.

SB 966 Simitian (Chapter 542)
PHARMACEUTICAL DRUG WASTE DISPOSAL

SB 966, sponsored by the author, amends the Public Resources Code relating to pharmaceutical waste. This bill requires the California Integrated Waste Management Board (Board) to develop, in consultation with appropriate state, local, and federal agencies, a model program for the collection and proper disposal of pharmaceutical drug waste. The bill provides grant funding from the Integrated Waste Management Account to participants that volunteer for these model programs. The Board is to provide a report to the Legislature on the efficacy, safety, statewide accessibility and cost effectiveness of the model programs with recommendations for the potential implementation of a statewide program and statutory changes.

SB 1029 Ducheny (Chapter 725)
DRINKING WATER STANDARDS

SB 1029, sponsored by the Association of California Water Agencies, exempts the California Department of Public Health (CDPH) from the provisions of the Administrative Procedures Act (APA) that require approval by the Department of Finance (DOF) when it adopts federal Safe Drinking Water Act (SDWA) regulations. The bill gives DOF 90 days to complete its review under the APA of Maximum Contaminant Level's (MCLs) for primary and secondary drinking water standards under the Calderon-Sher Safe Drinking Water Act.

Food, Drug, and Radiation Safety

SB 220 Corbett (Chapter 575)
VENDED WATER

SB 220, co-sponsored by Clean Water Action, Consumer Federation of California, East Bay Municipal Utility District, and the Latino Issues Forum, establishes new labeling and inspection requirements for water vending machines (WVMs). The bill also requires bottlers to make a bottled water report available to each customer in English, Spanish, and other appropriate languages.

SB 744 Runner (Chapter 96)
FOOD FACILITIES

SB 744, sponsored by the California Retail Food Safety Coalition, makes technical amendments to the California Retail Food Code (CRFC) to correct drafting errors that occurred during the process of enacting SB 144 (Runner, Chapter 23, Statutes of 2006). These changes eliminate duplicative/contradictory provisions and provide clarification of intent, but do not substantively change any CRFC food safety requirements.

CENTER FOR FAMILY HEALTH

Maternal, Child, and Adolescent Health (Office of Family Planning)

AB 34 Portantino (Chapter 516)
UMBILICAL CORD BLOOD COLLECTION PROGRAM

AB 34, sponsored by the American College of Obstetricians and Gynecologists, directs the CDPH to establish the Umbilical Cord Blood Collection Program for the purpose of increasing the amount of umbilical cord blood that is donated in the state and made available to the public for human stem cell transplant. It creates a special fund for donations or grants, takes effect January 1, 2010, and sunsets January 1, 2015.

AB 629 Brownley (Chapter 602)
SEX EDUCATION PROGRAMS: REQUIREMENTS

AB 629, sponsored by the Planned Parenthood Affiliates of California, American Association of University Women (AAUW) and American Civil Liberties Union (ACLU), requires sexual health education programs that are funded or administered, directly or indirectly, by the State, to be comprehensive and not abstinence-only. Specifically, AB 629 requires these programs to provide information that is age appropriate, medically accurate, current, and objective, and that does not promote or teach religious doctrine. It also requires that these programs not promote or reflect bias, be culturally and linguistically appropriate for targeted audiences, specify that abstinence is the only sure way to prevent sexually transmitted diseases, and explain the effectiveness of FDA-approved drugs and devices.

SB 962 Migden (Chapter 517)
UMBILICAL CORD BLOOD: RESEARCH

SB 962, sponsored by the American Association of University Women, and Planned Parenthood Affiliates of California, requires the Department of Public Health (CDPH) to 1) provide additional information to pregnant women about cord blood donation; and 2) requires CDPH to provide any umbilical cord blood samples it receives, pursuant to Health and Safety Code Section 123371, to the Birth Defects Monitoring Program (BDMP) for storage and research.

Women, Infant and Children, Office of

SB 22 Migden (Chapter 460)
BREAST-FEEDING

SB 22, sponsored by the California WIC Association, requires the Department of Public Health (CDPH) to recommend training designed for

general acute care hospitals providing maternity care, as defined, to improve breast-feeding rates among mothers and infants. The training recommendations are advisory only and hospitals are not required to implement or comply with the recommended training. The bill also requires the Department to expand breast-feeding peer counseling programs, provided funding is available.

CENTER FOR HEALTHCARE QUALITY

Laboratory Field Services

AB 1175 Niello (Chapter 61)
CLINICAL LABORATORIES: PERSONNEL

AB 1175, sponsored by the California Clinical Laboratory Association, is technical and clarifying legislation that would amend the Business and Professions (B&P) Code Section 1209.5 to provide that the laboratory director of a clinical laboratory may appoint an authorized designee to establish autoverification criteria. This bill is an urgency measure.

AB 1689 Lieber (Chapter 629)
THE REVISED UNIFORM ANATOMICAL GIFT ACT

AB 1689, sponsored by Donate Life California, repeals the existing Uniform Anatomical Gift Act (UAGA) and replaces it with the newly revised UAGA which incorporates other areas of existing law for sake of clarity. This bill 1) specifies Donate Life California Organ and Tissue Registry (DLCOTR) for all areas that referred to the Organ and Tissue Donor Registry; 2) updates the current law relating to who may give and receive an anatomical gift for transplant, education, and research, and 3) specifies requirements for making and receiving an anatomical gift.

SB 102 Migden (Chapter 88)
BLOOD TRANSFUSIONS

SB 102, sponsored by the author, expands the Paul Gann Blood Safety Act, which currently requires a physician to give a specified blood donation brochure to his/her patient. SB 102 allows physicians, including a doctor of podiatric medicine, to allow a nurse practitioner, certified nurse midwife, or a physician assistant, who is authorized to order a blood transfusion, to provide patients with written documentation of the positive and negative aspects of receiving a blood transfusion and to note on the patient's medical record that a standardized written summary was given to the patient.

SB 366 Aanestad (Chapter 198)
CLINICAL LABORATORIES: PERSONNEL

SB 366, sponsored by the CYTYC Corporation, removes the January 1, 2008 sunset date for the Pap smear workload limit when automated or semi-automated screening instruments are used.

SB 443 Migden (Chapter 207)
TISSUE DONORS: SPERM DONORS

SB 443, sponsored by the author, allows sperm from men testing positive for human immunodeficiency virus (HIV) or human T lymphotropic virus-1 (HTLV-1) to be used for therapeutic insemination or other advanced reproductive technologies (ART), under specified conditions.

SB 1048 Committee on Business, Professions and Economic Development
HEALING ARTS

SB 1048, sponsored by the committee, is a cleanup bill which, among many things, supersedes the outdated California Department of Public Health (CDPH) regulations located in Title 17 of the California Code of Regulations, Section 1050(c)(8), to conform with federal law. These regulations currently limit the number of laboratories that a person can direct to three. SB 1048 would allow a qualified person to direct up to the number of laboratories authorized by federal law in 1994 (i.e., five laboratories).

Licensing and Certification

AB 106 Berg (Chapter 378)
IMMUNIZATIONS

AB 106, sponsored by Sanofi-Pasteur and the NAACP, requires a general acute care hospital (GACH), beginning October 1 to the following April 1 of each year, to offer immunizations for influenza and pneumococcal disease to its inpatients aged 65 and older, prior to being discharged, if the facility has the vaccine in its possession.

AB 993 Aghazarian (Chapter 620)
STATE DEPARTMENT OF PUBLIC HEALTH: LICENSURE: HOME HEALTH AGENCIES

AB 993, sponsored by the California Association for Health Services at Home (CAHSAH), requires the California Department of Public Health (CDPH) to “make every effort” to complete application paperwork and conduct licensure and/or certification surveys, when warranted, within 90 calendar days after CDPH receives an initial and complete parent, branch, or change of ownership Home Health Agency (HHA) application. The bill

allows CDPH to extend this timeline by sending notification along with specific information to the complainant. This bill stipulates that CDPH would work with HHA stakeholders in modifying licensing fees. This bill requires CDPH to mail license renewal applications not less than 45 days prior to the expiration of the license. This bill requires a minimum of 75 hours or an equivalent minimum competency evaluation within the home health aide training program.

AB 1397 Soto (Chapter 545)
LONG-TERM HEALTH CARE FACILITIES

AB 1397, sponsored by the California Culture Change Coalition, requires monies collected as a result of state civil penalties to be deposited into the State Health Facilities Citation Penalties Account (HFCCA) and monies collected as a result of federal civil penalties to be deposited into the Federal HFCCA. This bill specifies that monies from these accounts shall be used, upon appropriation by the Legislature, in accordance with state and federal law, for the protection of health or property of residents of long-term health care facilities. This bill maintains the ten million dollar (10,000,000) cap on the State HFCCA. This bill allows \$130,000 from the Federal HFCCA to be used, upon appropriation by the Legislature, in accordance with state and federal law for the improvement of quality of care and quality of life for long-term health care facilities residents. This bill also requires the California Department of Public Health (CDPH) to post on its Internet website, on a quarterly basis, specified information of the fund accounts.

SB 350 Runner (Chapter 347)
HOSPITALS: DISCOUNT PAYMENT AND CHARITY CARE POLICIES

SB 350, sponsored by the California Association of Debt Collectors, makes technical and clarifying changes to current law involving the collection activities associated with a hospital's charity care and discount payment policies.

SB 633 Alquist (Chapter 472)
PERSONS WITH DISABILITIES: CARE IN COMMUNITY SETTINGS AND HOSPITAL DISCHARGE PLANNING

SB 633, sponsored by the Administration, declares the intent of the Legislature regarding the state's commitment to providing services for persons with disabilities and seniors in the most integrated setting. This bill requires hospitals to provide every patient, who is expected to need long-term care at the time of discharge, with contact information for at least one public or nonprofit agency or organization dedicated to providing information or referral services relating to community-based long-term care options in the patient's county of residence and appropriate to the needs and characteristics of the patient. At a minimum, this information includes contact information for the area agency on aging serving the

patient's county of residence, local independent living centers, and other information appropriate to the needs and characteristics of the patient.

CENTER FOR INFECTIOUS DISEASE

AIDS, Office of

AB 110 Laird (Chapter 707)
**DRUG PARAPHERNALIA: CLEAN NEEDLE AND SYRINGE
EXCHANGE PROJECTS**

AB 110, sponsored by the Drug Policy Alliance Network, and the San Francisco AIDS Foundation, authorizes a public entity that receives General Fund money from the California Department of Public Health (CDPH), Office of AIDS (OA), for HIV prevention and education (P&E) to use that funding to support clean needle and syringe exchange projects, including the purchase of sterile hypodermic needles and syringes, provided certain conditions are met.

AB 682 Berg (Chapter 550)
HIV/AIDS TESTING

AB 682, sponsored by the AIDS HealthCare Foundation, the California Medical Association, and the Health Officers Association of California, deletes written consent requirements for HIV testing and, instead, requires a medical care provider prior to ordering an HIV test to advise the patient that he or she has the right to decline the HIV test. The process is known as “opt-out” testing.

Communicable Disease Control

AB 1323 DeSaulnier (Chapter 24)
TUBERCULOSIS TESTING

AB 1323, sponsored by the Health Officers Association of California (HOAC), allows the use of other tests for TB that are recommended by the federal Centers for Disease Control and Prevention (CDC) and licensed by the federal Food and Drug Administration (FDA).

COUNTY HEALTH SERVICES & CENTER FOR HEALTH STATISTICS

AB 102 Ma (Chapter 567)
MARRIAGE: DOMESTIC PARTNERSHIPS: NAME

AB 102, sponsored by the American Civil Liberties Union, and Equity California, enacts the Name Equality Act (NEA) of 2007 which establishes a process for persons getting married or registering as domestic partners

to adopt a new middle or last name and to have the new name reflected in the marriage license or certificate of registered domestic partnership.

AB 315 Berg (Chapter 264)
INTEGRATED HEALTH AND HUMAN SERVICES PROGRAMS

AB 315, sponsored by the Humboldt County Board of Supervisors and the Mendocino County Board of Supervisors, repeals the sunset date in current law that authorizes counties to implement a program for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system.

AB 1750 Committee on Health (Chapter 577)
HEALTH

AB 1750, sponsored by the Health and Human Services Agency, provides technical clean-up legislation related to health programs under the administration of the California Health and Human Services Agency (Agency) through the California Department of Alcohol and Drug Programs, the Department of Health Care Services (DHCS), the Managed Risk Medical Insurance Board (MRMIB), and the California Department of Public Health (CDPH). Specific programs impacted include the Proposition (Prop) 99 programs and accounts administered by the Office of County Health Services (OCHS). Other departments outside of the Agency that are impacted by AB 1750 include the Department of Insurance and the Department of Managed Health Care.

SB 850 Maldonado (Chapter 661)
VITAL STATISTICS: CERTIFICATE OF STILL BIRTH

SB 850, sponsored by the Mothers In Sympathy and Support (MISS), specifies that upon request of the parents, the State Registrar or the local registrar of the county in which a fetal death is registered is required to provide a Certificate of Still Birth on a form approved by the State Registrar for each naturally occurring intrauterine fetal death after a gestational age of not less than 20 weeks. The State Registrar and local registrars would be authorized to charge an appropriate fee to cover, but not exceed, the entity's full cost of providing the Certificate of Still Birth. This bill also specifies that existing provisions of law relating to fetal death registration shall not apply to the termination of a pregnancy performed in compliance with laws governing reproductive privacy.

LEGAL SERVICES, OFFICE OF

AB 632 Salas (Chapter 683)
HEALTH CARE FACILITIES: WHISTLEBLOWER PROTECTIONS

AB 632, sponsored by the California Medical Association (CMA), expressly provides protections, similar to those in existing law for employees and patients and “any other person”, for medical staff and other health care workers who file complaints or grievances concerning a licensed health care facility, or who initiate or participate in an investigation or proceeding related to the quality of care, services, or conditions at the facility.

AB 1298 Jones (Chapter 699)
PERSONAL INFORMATION: DISCLOSURE

AB 1298, sponsored by the author, 1) add two new categories of personal information (medical information and health insurance information) to the data elements that would invoke a security breach notification when information is suspected to have been acquired by an unauthorized individual; 2) amends the State Confidentiality of Medical Information Act (CMIA) to apply to all businesses which maintain and transmit medical information as part of their business; 3) amends the CMIA to replace “patient” with “individual” to make the CMIA apply to businesses serving individuals who are not technically “patients” and to allow non-“patient” individuals to access their own health information maintained by a business; 4) clarifies that the State’s security freeze law, which permits an individual to place a hold or “freeze” on his or her credit report, does not apply to information in the report that the credit reporting agency lawfully obtained from an open public record.

SB 1039 Committee on Health (Chapter 483)
STATE DEPARTMENT OF PUBLIC HEALTH

SB 1039, and Administration sponsored bill, provides technical clean-up to SB 162 (Chapter 241, Statutes of 2006), which renamed the State Department of Health Services (DHS) the State Department of Health Care Services (DHCS), created a new California Department of Public Health (CDPH), and assigned specific responsibilities of DHS to CDPH. It also requires Senate confirmation of the two CDPH chief deputy directors and authorizes CDPH to have its own hearing office and rely upon the regulations of the former DHS hearing office until CDPH adopts its own regulations.

2007 ENROLLED BILLS

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AB 315	Berg	Sign	264	HI	10
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AB 399	Feuer	Veto	-----	LC	-----
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AB 1689	Lieber	Sign	629	LB	6
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SB 7	Oropeza	Sign	425	CD	1
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PROGRAM ASSIGNMENTS AND ACRONYMS

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Border Health, Office of	BH
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Civil Rights, Office of	CR
Communicable Disease Control	DC
Drinking Water & Environmental Management	DE
Environmental & Occupational Disease Control	EO
Emergency Preparedness Office	EP
Food, Drug, & Radiation Safety	FR
Genetic Disease Division	GD
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SIGN MESSAGES

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

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VETO MESSAGES

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AB 398	Feuer	Long-Term Health Care Facilities: Information	LC
AB 399	Feuer	Long-Term Health Care Facilities	LC
AB 543	Plescia	Surgical Clinics: Licensure	LC
AB 658	Bass	Crime: Homicide: Community Homicide and Violence Reduction Program	CD
AB 741	Bass	Infant Mortality: Interpregnancy Care	MF
AB 834	Hayashi	Dental Disease Prevention Programs	CD
AB 881	Mullin	Vehicles: Child Passengers: Restraint Systems	CD
AB 1135	Strickland	State Government: Reports: Declarations	LG
AB 1142	Salas	Hospice Care	LC
AB 1393	Leno	Public Records	LG
AB 1467	DeSaulnier	Worker Safety	CD
AB 1521	Salas	Drinking Water: Bottled Drinking Water	FR
AB 1617	DeSaulnier	Tobacco Products	CD
SB 63	Migden	Food Labeling: Cloned Animals	FR
SB 120	Padilla	Food Facilities: Nutritional Information	CD
SB 178	Steinberg	Groundwater	DE
SB 275	Cedillo	Health Facilities: Patient Transporting	LC
SB 320	Alquist	California Health Care Information Infrastructure Program	LG
SB 533	Yee	Health: Immunizations Pneumococcus	DC
SB 1002	Perata	Water Quality, Flood Control, Water Storage, and Wildlife Preservation	DE

