

**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
LEGISLATIVE SUMMARY
2009**

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CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

Chronic Disease and Injury Control

AB 292 Yamada (Chapter 232)
PERSONAL INCOME TAXES: CONTRIBUTIONS: ALZHEIMER'S DISEASE

AB 292 extends the sunset date on the California Alzheimer's Disease and Related Disorders Research Fund (ADRDR) personal income tax check-off from January 1, 2010, to January 1, 2015, provided at least \$250,000 in annual voluntary taxpayer contributions are received.

AB 359 Nava (Chapter 435)
BREAST AND CERVICAL CANCER: EARLY DETECTION SCREENING: DIGITAL MAMMOGRAPHY: REIMBURSEMENT RATES

AB 359 requires, until January 1, 2014, the California Department of Public Health (CDPH), Cancer Detection Section (CDS), Cancer Detection Programs: Every Woman Counts (CDP: EWC), to cover digital mammography (DM) when analog mammography (AM) services are not available by the provider. This bill allows DM screening to be paid at the Medi-Cal analog rate.

AB 667 Block (Chapter 119)
TOPICAL FLOURIDE APPLICATION

AB 667 includes fluoride varnish application to the treatments that may be performed by dental assistants and allows application of topical fluoride, including fluoride varnish, by any person as part of a service provided to students in a school-based setting. This bill allows for self-administration of topical fluoride, including fluoride varnish, in a public health and school-based setting under prescription and protocol of a licensed dentist or physician.

CENTER FOR ENVIRONMENTAL HEALTH

Drinking Water and Environmental Management

AB 890 Perez, J. A. (Chapter 259)
CITY OF MAYWOOD: DRINKING WATER

AB 890 enacts a special law applicable only to the City of Maywood and public water systems serving its residents. AB 890 requires those public water systems to conduct, publish, and submit to specified entities, including the CDPH, a study, as described, on the impacts of manganese on the City's water quality.

The water systems must also be required to: 1) present the results at a public hearing and post the study on their websites; 2) formally respond to questions and comments regarding the results of the study; and 3) send to occupants all current notifications that are sent to City rate payers on water contaminants, distribute these notifications in English and the residents' primary language, and post them on the systems' websites.

AB 1020 Emmerson (Chapter 267)
PUBLIC SWIMMING POOLS: ANTI-ENTRAPMENT DEVICES AND SYSTEMS

AB 1020 amends Section 18942, and adds Section 116064.1 and Section 116064.2, to the Health and Safety (H&S) Code to implement the federal Virginia Graeme Baker Pool and Spa Safety Act (VGB Act). The VGB Act establishes new requirements to prevent entrapment hazards in public pools and spas with the purpose of improving the safety of swimming pools and spas by: 1) adopting a federal swimming pool and spa drain cover safety standard; and 2) ensuring that public pools are equipped with proper safety devices. This bill prevents injuries and drownings related to physical entrapment in public swimming pools and spas.

AB 1438 Conway (Chapter 531)
SAFE DRINKING WATER STATE REVOLVING FUND

AB 1438 modifies the existing Safe Drinking Water State Revolving Fund (SDWSRF), to: 1) establish a maximum of \$500,000 for each planning and design grant; 2) raise the maximum grant for a construction project from \$1 million to \$3 million, which CDPH may increase to up to \$10 million upon making certain specific findings; 3) allow CDPH to establish a wellhead protection subaccount within the SDWSRF fund; and 4) clarify that inclusion of fire flow capacity in project design does not conflict with the growth limitation of funding provided by the SDWSRF.

AB 1540 Comm. On Health (Chapter 298)
HEALTH

AB 1540 makes technical changes to a variety of health programs and statutes, specifically affecting the CDPH Division of Drinking Water and Environmental Management by bringing existing state statutes into conformance with the federal Safe Drinking Water Act (SDWA) by: 1) limiting the types of water suppliers who may certify alternative water sources; 2) providing penalties for noncontinuing violations of turbidity standards; and 3) allowing point-of-use devices for treatment to meet drinking water standards, as specified.

SB 486 Simitian (Chapter 591)
MEDICAL WASTE: SHARPS WASTE

SB 486 requires a pharmaceutical manufacturer that sells or distributes medication intended to be self-injected at home using hypodermic needles or other similar devices, to submit a plan by July 1, 2010 and annually thereafter, describing how the manufacturer supports the safe collection and proper disposal of these devices. This plan is to include, at a minimum, a description of any actions the manufacturer has taken to: 1) provide for the safe collection and proper disposal of the waste devices; 2) educate consumers about safe management and collection opportunities; and 3) support efforts by partners, including retailers, local governments, public health officers, and others, as described. Plans are to be submitted to the California Integrated Waste Management Board (CIWMB) or its successor agency, and must be posted on the Web sites of the manufacturer and of CIWMB.

SB 790 Pavley (Chapter 620)
RESOURCES: WATER QUALITY: STORMWATER RESOURCE PLANS

SB 790 authorizes grant funding from existing funds available under Proposition 84 that are administered by the State Water Resources Control Board (SWRCB) for low-impact development projects or projects that improve water quality or reduce storm water runoff. Specifically, SB 790 authorizes: 1) grants to public and nonprofit entities for certain types of projects to implement or promote "low-impact development" for new or existing developments that improve water quality or reduce storm water runoff; 2) grants to projects that implement storm water resource plans prepared pursuant to the bill; 3) a city, county, or special district, jointly or individually, to develop storm water management plans designed to maximize water supply, water quality, and environmental and other community benefits; and 4) a regional water management group to coordinate its planning activities to incorporate storm water management planning.

SBX3 27 Negrete McLeod (Chapter 25)
DRINKING WATER: FEDERAL STIMULUS FUNDING

SBX3 27 is an urgency measure that facilitates the disbursement of funds from the federal American Recovery and Reinvestment Act of 2009 (ARRA), which includes an allocation of \$2 billion nationally for safe drinking water infrastructure improvements. California's share of these funds is \$160 million, to be administered by the CDPH through its existing Safe Drinking Water State Revolving Fund (SDWSRF) program. SBX3 27 provides the necessary statutory modifications to allow CDPH to distribute the ARRA funds in accordance with federal requirements and guidelines, including: 1) clarifying that where state law or regulations conflict with the ARRA safe drinking water provisions and requirements, to the extent that the conflict impairs the expenditure of federal moneys, the provisions and requirements of the ARRA shall prevail; 2) allowing CDPH to develop criteria necessary to implement the ARRA, and 3) setting the maximum amount of a grant for ARRA SDWSRF funds to an applicant at \$10 million per project. In addition, SBX3 27 provides statutory revisions needed to allow the State Water Resources Control Board (State Board) to expend ARRA funds for water pollution control projects.

Food, Drug, and Radiation Safety

AB 356 Fletcher (Chapter 434)
RADIOLOGIC TECHNOLOGY: FLUOROSCOPY

AB 356 amends Health and Safety (H&S) Code Sections 107110, 114850, 114980 and add 114872 to: (1) includes a licensed physician assistant (PA) in the definition of licentiates of the healing arts; (2) requires the supervising physician to have, or be exempt from having, a fluoroscopy permit to perform the functions being supervised; (3) allows a physician to delegate to a PA fluoroscopy procedures; (4) requires the delegated PA to complete 40 hours of total coursework recognized by the CDPH and to keep the documentation on file at the practice site; (5) requires the PA to earn 10 PA Committee approved continuing education credits (CEC) every two years for renewal purposes; (6) requires CDPH to accept applications for a fluoroscopy permit from a PA who meets the new requirements; and (7) makes technical and clarifying changes.

SB 148 Oropeza (Chapter 169)
MAMMOGRAM MACHINES: INSPECTION: POSTING OF RESULTS

SB 148 requires facilities operating mammogram machines to post notices of serious violations in an area that is visible to patients.

SB 241 Runner (Chapter 571)
RETAIL FOOD FACILITIES

SB 241 makes technical amendments to the Health and Safety (H&S) Code, in the section known as the California Retail Food Code (CRFC). These amendments are: 1) corrects grammatical and punctuation errors; 2) eliminates inadvertent omissions and duplications; 3) relocates some code requirements to more logical locations; 4) clarifies the intent of the CRFC provisions; 5) modifies some code requirements to be consistent with the U.S. Food and Drug Administration (FDA) Model Food Code; 6) revises and clarifies satellite food service and mobile food facility (MFF) requirements; 7) adds farm stands to the definition of a food facility; and 8) makes clear that the definition of a wine tasting facility/event does not encompass whether or not a charge is involved in the wine sampling. This bill contains an urgency provision.

This bill clarifies the definition of limited food preparation to allow hot dogs, corn-on-the-cob, and tamales to be hot held on mobile food carts, clarifies that critical (major) violations of the CRFC warrant facility closure if immediate corrective action is not feasible, requires that any ill or symptomatic employee in a food facility must be excluded from the food facility or placed on restricted duty as appropriate, clarifies the two-stage cooling time parameters for potentially hazardous food, and eliminates redundant operational and storage requirements for mobile food facilities.

CENTER FOR FAMILY HEALTH

Maternal, Child & Adolescent Health

AB 1317 Block (Chapter 523)
**ASSISTED OOCYTE PRODUCTION: ADVERTISEMENT:
INFORMATION**

AB 1317 requires that an advertisement seeking human oocyte (egg) donation for fertility treatment and offering financial compensation include specific information within the advertisement. This advertisement shall state that assisted oocyte production (AOP) involves a screening process, potential health risks, and varying levels of financial compensation. The requirement to include this information in an advertisement does not apply if the advertising entity complies with American Society for Reproductive Medicine (ASRM) guidelines.

Family Planning, Office of

SB 273 Corbett (Chapter 177)
DOMESTIC VIOLENCE

SB 273 deletes or replaces references in Health and Safety Code (HSC) Sections 124250 and 124251 and Penal Code (PC) Section 13823.15 to “female” or “woman/women” or “women and their children” with language that is gender-inclusive of men and requires the CDPH to comply with the anti-discrimination provisions of Government Code Section 11135. This bill extends the sunset of the California Emergency Management Agency (CalEMA) Domestic Violence Advisory Council (DVAC) to January 1, 2015. It further seeks to correct the references to the “Department of Health Services” to the “Department of Public Health”; the “Maternal and Child Health Branch” to the “Maternal, Child and Adolescent Health Division”; and the “Office of Emergency Services” to the “California Emergency Management Agency”. SB 273 includes double joining language with AB 503, as both bills amend HSC Section 124250.

CENTER FOR HEALTH CARE QUALITY

Laboratory Field Services

AB 995 Block (Dropped as a Sponsored Bill)
TISSUE BANK LICENSING

AB 995 would have amended the tissue bank law to adopt the American Association of Tissue Bank (AATB) Standards, 12th edition (in effect May 1, 2008) as a condition for licensure of any person that collects, processes, stores or distributes human tissue in or for use in California. The bill would have provided an alternative to revocation or suspension of tissue bank licensure by allowing the department to impose an alternative civil administrative penalty up to one hundred dollars (\$100) per day, up to a maximum of three thousand dollars (\$3000). This bill would have required CDPH to provide the public an opportunity to review new AATB standards by providing written comments to CDPH or requesting a public hearing, before CDPH files the updates with the Secretary of State.

AB 995 Block (Chapter 497)
TISSUE BANK LICENSING: EXEMPTIONS

AB 995 exempts podiatrists and physicians from tissue bank licensure requirements for storage of Federal Food and Drug (FDA) medical devices, premarket approval products and biologic products which are obtained from a California licensed tissue bank and used for the practitioner’s own patients without redistribution. This bill provides that the entity (surgical center or wound care center), where the physicians or podiatrists practice, provide the department with a written notice containing a list of these practitioners with other specified information.

SB 744 Strickland (Chapter 201)
CLINICAL LABORATORIES

SB 744 is an Administration-sponsored bill that changes the way fees are paid to support oversight of clinical laboratories. It allows the CDPH to adopt a sliding fee schedule based on the annual volume of tests performed. SB 744 also proposes to raise certification fees for phlebotomists. SB 744 will set standards for approval of accrediting organizations (AOs) and their inspectors for performing laboratory inspections. This bill also includes requires CDPH to report on the progress in obtaining Clinical Laboratory Improvement Amendments of 1988 (CLIA) exemption during the annual budget process.

Licensing and Certification

AB 215 Feuer (Chapter 420)
SKILLED NURSING FACILITIES: RATINGS

AB 215 requires a skilled nursing facility (SNF) that has been certified for purposes of Medicare or Medicaid to post, in accordance with prescribed requirements, the overall facility rating information determined by the federal Centers for Medicare and Medicaid Services (CMS).

AB 392 Feuer (Chapter 102)
LONG-TERM HEALTH CARE FACILITIES

AB 392 allocates \$1.6 million in budget year (2009/2010) funding from the Federal Health Facilities Citation Penalty Account (FHF CPA) for the California State Long-Term Care Ombudsman Program (LTCOP). This bill contains an urgency clause, allowing the bill to take effect immediately upon chaptering.

AB 577 Lowenthal, B. (Chapter 456)
PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY

AB 577 corrects technical errors in current law related to the state departments responsible for granting exemptions to the Programs for All-Inclusive Care of the Elderly (PACE). This bill specifies that certain federal requirements of the PACE model may not be waived through the exemption process.

AB 773 Lieu (Chapter 472)
HEALTH FACILITIES: CITATIONS: NOTIFICATIONS

AB 773 revises posting requirements for class "AA" and class "A" violations in long-term health care facilities (LTCFs) and requires these violations to be posted for 120 days, as specified. This bill stipulates that a violation of the provisions constitutes a class "B" violation, subject to a \$1,000 civil penalty.

AB 818 Hernandez (Chapter 476)
HEALTH FACILITIES: CONNECTIONS PORTS

AB 818 postpones implementation of epidural, enteral, and intravenous tube connection prohibitions, as specified. This bill requires the Advanced Medical Technology Association (AMTA) to provide the Legislature with an annual report on the progress of the International Standardization Organization (ISO) in publishing and designing the new standards. Lastly, this bill requires general acute care hospitals (GACHs), acute psychiatric hospitals (APHs), special hospitals (SHs), and skilled nursing facilities (SNFs) to amend existing patient safety plans to add interim preventative measures to avoid adverse events associated with misconnections, until ISO standards are adopted.

AB 931 Fletcher (Chapter 491)
EMERGENCY SUPPLIES

AB 931 increases the number of oral and suppository dosage form drugs contained in a skilled nursing facility and intermediate care facility's emergency supplies container from 24 to 48, would change the limit on the number of doses of each drug available from four to 16, and limits the number of psychotherapeutic drugs to four of the 48, unless the CDPH grants program flexibility.

AB 1083 Perez, J. A. (Chapter 506)
HEALTH FACILITIES: SECURITY PLANS

AB 1083 modifies existing law to require hospitals, after July 1, 2010, to annually conduct a security and safety assessment, as specified, and to update the hospital's security plan accordingly. This bill permits the security plan to include efforts to cooperate with local law enforcement. This bill would require the hospital to consult with affected employees and collective bargaining agents, if applicable, including medical staff, when developing the plan.

AB 1457 Davis (Chapter 532)
LONG-TERM HEALTH CARE FACILITIES: ADMISSION CONTACTS

AB 1457 requires contracts of admission to skilled nursing facilities (SNFs) to include an attachment that discloses the name of the owner and licensee of the SNF and the name and contact information of a single entity that is responsible for all aspects of patient care and the operation of the facility. It also requires a SNF to notify all of its residents and patients and primary contacts in writing of a Change of Ownership within 30 days of approval by the CDPH.

- AB 1544 Jones (Chapter 543)
HEALTH FACILITIES: LICENSURE: OUTPATIENT CLINIC SERVICE
- AB 1544 requires the CDPH to review and approve an application for an outpatient clinic supplemental service within 30 days and issue or deny a new license for an outpatient clinic supplemental service within 100 days of receiving a complete application. This bill allows a hospital that has previously been approved for an outpatient clinic supplemental service to apply to CDPH to offer an additional outpatient clinic service without requiring the department to conduct a prior onsite survey; CDPH would be required to add this new outpatient clinic service to the license within 30 days.
- SB 112 Oropeza (Chapter 559)
HEMODIALYSIS TECHNICIANS
- SB 112 revises the requirements for state certification of hemodialysis technicians (CHTs) to reflect the standards required by the Centers of Medicare and Medicaid Services (CMS) for CHTs employed in facilities receiving federal reimbursement. SB 112 is an urgency bill and would take effect immediately.
- SB 221 Walters (Chapter 39)
HOME DIALYSIS AGENCIES
- SB 221 repeals existing law which allows for the licensure and regulation of home dialysis agencies.
- SB 337 Alquist (Chapter 180)
HEALTH INFORMATION
- SB 337 revises the requirements for specified health care facilities to report unlawful or unauthorized access, use, or disclosure of a patient's medical information to both the CDPH and the affected patient from five days, to five "business" days. This bill requires the reporting to the affected patient(s) be delayed beyond five business days if law enforcement provides a statement that compliance with the reporting requirements would impede a criminal investigation.
- This bill contains additional provisions relating to federal funds made available for investment in health information technology and exchange, which do not impact CDPH; this EBR will only analyze the provisions of the bill that impact CDPH. The department defers to the California Health and Human Services (CHHS) Agency for analysis of the other provisions contained in this bill, as they directly impact CHHS.

CENTER FOR INFECTIOUS DISEASE

AIDS, Office of

AB 221 Portantino (Chapter 421)
HIV TESTING: SKIN PUNCTURES

AB 221, as an urgency measure, allows HIV counselors trained by the CDPH, Center for Infectious Diseases, Office of AIDS (OA), to perform skin punctures (finger-sticks) to withdraw blood for rapid HIV testing when the HIV counselor works under the direction of a licensed physician or surgeon and has received specified training.

AB 1045 Perez, J. A. (Chapter 501)
HIV AND AIDS REPORTING

AB 1045 allows a clinical laboratory to not report a CD4+ T-Cell test result if that clinical laboratory can demonstrate that the CD4+ T-Cell test result is not related to a diagnosed case of HIV infection.

Communicable Disease Control

SB 249 Cox (Chapter 176)
VACCINATIONS: MENINGOCOCCAL DISEASE

SB 249 requires the CDPH to develop information about meningococcal disease, including information pertaining to children who are 11-18 years of age by April 1, 2010. SB 249 allows the information to include a recommendation that children between 11-18 years of age be vaccinated. This bill also authorizes the California Department of Education (CDE) to add this information to any health education material sent home to parents of students who are at least 11 years of age.

HEALTH INFORMATION & STRATEGIC PLANNING

AB 130 Jeffries (Chapter 412)
VITAL RECORDS: MARRIAGE RECORDS

AB 130 establishes a fee increase of one dollar (\$1) to support safety and security measures used to protect against the fraudulent use of vital records. This bill also restricts access to certified copies of confidential marriage records and adds instructions for the release of comprehensive and non-comprehensive non-confidential marriage indices.

AB 1143 Ma (Chapter 512)
MARRIAGE: NAME

AB 1143 will: 1) modify existing law that allows a party to a marriage to change the middle or last name by which that party wishes to be known after marriage to allow a person to change both the middle and last names, if desired; 2) expands and clarifies the number of allowable sources and formats for a new middle name; and 3) allows an amendment to a marriage license to be issued to correct clerical errors in the designation of new name(s).

LEGISLATIVE AND GOVERNMENTAL AFFAIRS

ABX4 5 Evans (Chapter 5)
HEALTH

ABX4 5 implements the provisions of the State budget for fiscal year 2009-10, as it pertains to programs administered by the California Department of Health Care Services (DHCS), California Department of Public Health (CDPH), Department of Mental Health (DMH) Department of Developmental Services (DDS), Department of Social Services (DSS) and the Managed Risk Medical Insurance Board (MRMIB). CDPH's enrolled bill report (EBR) is limited to Sections 11, 12, and 13, which directly impacts CDPH. CDPH will be deferring to other departments for Sections 2, 3, 4, 5, 6, 7, 8, 9, and 25 because although they do impact CDPH, the department is not the lead department on policy consideration in these sections.

2009 ENROLLED BILLS

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AB 292	Yamada	Sign	232	CD	
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AB 1083	Perez, J. A.	Sign	506	LC	----
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AB 1540	Comm. on Health	Sign	298	DE	----
AB 1544	Jones	Sign	543	LC	
ABX4 5	Evans	Sign	5	LA	----

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SB 486	Simitian	Sign	591	DE	
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*See Program Assignments and Acronyms on Page 14.

PROGRAM ASSIGNMENTS AND ACRONYMS

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AIDS, Office of	AS
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 & Environmental Management	DE
Environmental & Occupational Disease Control	EO
Emergency Preparedness	EP
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<u>BILL#</u>	<u>AUTHOR</u>	<u>SUBJECT</u>	<u>DIV</u>
SB 744	Strickland	Clinical Laboratories	LB

VETO MESSAGES

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AB 517	Ma	Safe Body Art Act	DE
AB 543	Ma	Perinatal Care: The Nurse-Family Partnership	MA
AB 574	Hill	Health Facilities: Smoking	LC
AB 599	Hall	Forensic Blood Alcohol Testing Laboratories	FR
AB 861	Ruskin	Public Health Services: Consolidated Contracts	AD
AB 911	Lieu	Emergency Room Crowding	LC
AB 1242	Ruskin	State Water Policy	DE
AB 1397	Hill	Tissue Donation	LB
AB 1512	Lieu	Food and Drugs: Sale	FR
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SB 257	Pavley	Lactation Accommodation: State Employees	WC
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