

**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
LEGISLATIVE SUMMARY
2010**

Compiled by the
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LEGISLATIVE SUMMARY 2010

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CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

Chronic Disease and Injury Control

AB 537 Arambula (Chapter 435)
FARMERS' MARKET: ELECTRONIC BENEFIT TRANSFER

AB 537 allows groups which have been authorized by the United States Department of Agriculture Food and Nutrition Service or associations of produce sellers active in flea markets, farmers' markets, and certified farmers' markets to initiate and operate an electronic benefit transfer system on behalf of its members to the extent and manner allowed by federal law and regulation. Market operators must reasonably accommodate the creation and operation of this system; the bill will not authorize other activities without permission of the market operator. The bill's provisions will not prohibit authorized individual sellers from operating their own system, nor will markets themselves be required to create or maintain these systems.

AB 2011 Arambula (Chapter 132)
DOMESTIC VIOLENCE PROBATIONER: MINIMUM PAYMENT

AB 2011 increases the mandatory fine collected from convicted batterers in domestic violence cases from \$200 to \$400. A portion of funds collected go into the Domestic Violence Training and Education Fund, administered by the CDPH. This is an Administration-sponsored bill. This bill has an urgency clause.

AB 2084 Brownley (Chapter 593)
CHILD DAY CARE FACILITIES: NUTRITION

AB 2084 requires child day care facilities that are licensed and regulated by the California Department of Social Services, under the California Child Day Care Facilities Act, to follow specified guidelines in relation to the provision of beverages to children.

AB 2705 Padilla (Held In Suspense)
EDUCATION: PHYSICAL EDUCATION

This bill would have stated the intent of the Legislature to increase flexibility of joint use, shared community facilities, policies and practices that allow schools and communities to increase access to safe places to play and exercise. Additionally, this bill would have required the After School Education and Safety Program to include at least 30 minutes of moderate to vigorous physical activity (MVPA) and require students to spend 50 percent of physical education class time in MVPA.

SB 127 Calderon (Chapter 500)
AUTOMATIC EXTERNAL DEFIBRILLATORS AND HEALTH STUDIOS

SB 127 amends existing law regarding automatic external defibrillator (AED) placement in health studios. The bill requires that AED-trained staff be present during staffed operating hours, rather than during normal operating hours. The bill also removes the exemption from liability for those studios that do not have trained staff on the premises during all hours of operation. The bill requires a health studio of more than 6,000 square feet to deny access to members during unstaffed hours. The bill also requires health studios to report specific information.

SB 880 Yee (Chapter 278)
PUBLIC SAFETY: SNOW SPORT HELMETS

SB 880 requires a person under 18 years of age to wear a properly fitted and fastened snow sport helmet while operating snow skis or a snowboard, or while riding upon a seat or other device that is attached to the snow skis or snowboard. The snow sport helmet is required to meet the safety standards of any of the following: Central European Norm CE1077, American Society of Testing and Materials International F 2040, Snell Memorial Foundation RS-98, United States Consumer Product Safety Commission, or standards subsequently established by those entities. Additionally, ski resorts will be required to post signage regarding the helmet law on all trail maps and resort internet web sites. SB 880 provides for a \$25 fine to be imposed on youth with the second violation of this prohibition. The provisions in this bill do not apply to Nordic (cross country) skiing. **The bill also states that SB 880 shall only become operative if AB 1652 is also enacted.**

SB 1255 Padilla (Held In Suspense)
SCHOOLS: NUTRITION: BEVERAGES

This bill would have prohibited the sale of electrolyte replacement beverages, commonly known as sports drinks, in public middle, junior high, and high schools during the school day.

SB 1413 Leno (Chapter 558)
SCHOOLS: PUPIL NUTRITION: AVAILABILITY OF TAP WATER

SB 1413 requires school districts to provide access to free, fresh drinking water in food service areas during their schools' meal times by July 1, 2011. The bill describes means by which school districts may comply, including, but not limited to, providing cups and containers of water or receiving donated bottled water. A school board district may adopt a resolution demonstrating that it is unable to comply, including the reasons why it cannot comply due to fiscal constraints or health and safety concerns.

Environmental & Occupational Disease

AB 1963 Nava (Chapter 369)
PESTICIDE POISONING

AB 1963 requires laboratories that perform testing for certain pesticide-exposure related substances in workers' blood to electronically report specified information to the Department of Pesticide Regulation (DPR). DPR, in turn, will be required to transmit the results to the Office of Environmental Health Hazard Assessment (OEHHA) and the CDPH. The bill requires DPR and OEHHA to review test results and provide medical consultation. The bill will require DPR and OEHHA, in consultation with CDPH, to prepare a report to the Legislature on the effectiveness of the medical supervision program and the utility of laboratory reporting for pesticide illness surveillance. The bill will repeal its provisions on January 1, 2017. (Administration Sponsored)

CENTER FOR ENVIRONMENTAL HEALTH

Drinking Water and Environmental Management

AB 153 Hernandez (Chapter 226)
SAFE, CLEAN, AND RELIABLE DRINKING WATER SUPPLY ACT OF 2012: GROUNDWATER CONTAMINATION

AB 153 is an urgency measure that amends one chapter of the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 (AB 1265, SB X7 2) (herein referred to as the 2012 Water Bond), which placed an \$11.14 billion water bond act on the November 2012 ballot. AB 153 modified one section of the bond measure, which allocates \$1 billion of the bond proceeds to the CDPH for projects that prevent or remediate contamination of groundwater that serves as a source of drinking water. Specifically, AB 153 revised the bond measure to allow \$100 million of the funds in that section be used for "costs associated with projects, programs, or activities," rather than for "projects" as was previously stated.

AB 2001 Harkey (Chapter 246)
BUILDING STANDARDS: STATE DEPARTMENT OF PUBLIC HEALTH: REGULATIONS

AB 2001 transfers any responsibilities of the CDPH to adopt regulations related to building standards to the California Building Standards Commission (CBSC). (Administration Sponsored)

AB 2515 V. Manuel Perez (Chapter 601)
PUBLIC WATER SYSTEMS: POINT-OF-USE TREATMENT

AB 2515 requires the CDPH to develop emergency regulations governing the use of point-of-use (POU) and point-of-entry (POE) treatment by public water systems in lieu of centralized treatment, and authorizes funding for the POU/POE devices from the federal Safe Drinking Water State Revolving Fund. These regulations may be used until the effective date of nonemergency regulations adopted by CDPH, or until January 1, 2014, whichever occurs earlier. AB 2515 is an urgency statute “to ensure the quality of drinking water related POE and POU treatment at the earliest possible time” that will sunset on January 1, 2014.

SB 918 Pavley (Chapter 700)
WATER RECYCLING

SB 918 requires the CDPH to: 1) develop and adopt criteria (regulations) for indirect potable water reuse (the use of highly treated wastewater to indirectly augment water supplies); 2) submit a report to the Legislature on the feasibility of developing criteria for direct potable reuse (the use of highly treated wastewater directly for drinking water purposes); and 3) convene an expert panel for advisory purposes in developing the uniform water recycling criteria.

The expert panel must make a finding that the proposed criteria for indirect potable reuse through surface water augmentation would adequately protect public health, before CDPH could adopt the criteria.

CDPH will be required to submit written reports to the Legislature during the annual budget process on the progress in developing the criteria and of the feasibility investigation.

SB 1169 Lowenthal (Chapter 288)
WATER

SB 1169 makes various technical changes to the Water Code. While most of these changes will have no impact on CDPH, one provision will require that a report currently submitted to the appropriate regional water quality control board instead be submitted directly to CDPH. This report describes in detail a proposed use of recycled water in a condominium development with a dual-plumbed system. Existing law requires that this report be approved by CDPH prior to the use of recycled water within such a condominium development; this requirement would not change.

Food, Drug, and Radiation Safety

AB 1437 Huffman (Chapter 51)
SHELLED EGGS: SALE FOR HUMAN CONSUMPTION: COMPLIANCE WITH ANIMAL CARE STANDARDS

AB 1437 prohibits, beginning January 1, 2015, the sale of shelled eggs for human consumption in California that are from hens housed in environments that do not meet the animal care standards set forth in the Prevention of Farm Animal Cruelty Act.

AB 2432 John A. Perez (Chapter 682)
FOOD FACILITIES: PREPACKAGED NON-POTENTIALLY HAZARDOUS FOODS

AB 2432 amends the Health and Safety Code to create three levels of consumer protection requirements for retail food stores that sell prepackaged foods not requiring refrigeration. The bill exempts retail food stores with less than 300 square feet of food display from most of the structural requirements in existing law and further exempts retail food stores with 25 square feet or less of food display from local enforcement agency licensure and permitting requirements. Retail food stores with more than 300 square feet of display will continue to be subject to all structural requirements in current law.

AB 2612 Committee on Agriculture (Chapter 393)
FOOD AND AGRICULTURE: OMNIBUS BILL

AB 2612 amends the H&S Code, Section 110485 at the request of the CDPH, to extend CDPH's Food Industry Education and Training Program sunset provision until January 1, 2016. AB 2612 also makes several minor technical changes to the Food and Agriculture Code related to licensing of animal collection centers, organic registration, the make-up of the California Organic Products Advisory Committee, and requirements for pesticide registrants. CDPH defers to the California Department of Food and Agriculture on these provisions.

SB 602 Padilla (Chapter 309)
FOOD SAFETY

Amends the H&S code to require, effective June 1, 2011, retail food handlers employed at most retail food facilities to obtain a "food handler card" from an accredited third-party certification organization by July 1, 2011. Retail food handlers hired after June 1, 2011 will be required to obtain the card within thirty days of hire date. Local environmental health enforcement agencies will be required to verify the existence of all required food handler cards during the course of retail food facility inspections. The bill exempts food handlers at several food facility categories from the food handler card requirement. This bill has an urgency clause.

- SB 888 Yee (Chapter 508)
FOOD SAFETY: ASIAN RICE BASED NOODLES
- SB 888 amends the H&S Code to 1) define Asian rice based noodles to include specific ingredients combined in a specific process; 2) allow Asian rice based noodles to be sold at retail while being held at room temperature for up to 4 hours; and 3) require all manufacturers of Asian rice based noodles to apply a date and time label and a consumer warning statement to the package.
- SB 1237 Padilla (Chapter 521)
RADIATION CONTROL: HEALTH FACILITIES AND CLINICS: RECORDS
- SB 1237 will, commencing July 1, 2012, require users of computed tomography (CT) for diagnostic purposes to record the dose of radiation in the patient record. Commencing July 1, 2013, requires facilities that furnish CT services to be accredited by an organization that is approved by the federal Centers for Medicare and Medicaid Services, the Medical Board of California, or the CDPH. SB 1237 will also require the facility to report in writing to the patient, patient's physician, and CDPH inappropriate or excessive radiation which occurred during CT examinations or radiation therapy procedures.
- SB 1332 Dutton (Chapter 525)
RADIOLOGIC TECHNOLOGY
- SB 1332 requires the CDPH to approve schools for radiologic technologists that meet Joint Review Committee on Education in Radiologic Technology (JRCERT) standards. The bill applies the JRCERT standards only to schools teaching diagnostic or therapeutic radiologic programs. The bill requires JRCERT accredited schools to inform CDPH of specific actions taken by JRCERT. All provisions of SB 1332 will sunset on January 1, 2015. The bill has an urgency clause.
- SB 1365 Corbett (Chapter 331)
PUBLIC SAFETY: CONSUMER PRODUCTS
- This bill updates California's toy safety statutes H&S Code 108555 to reference the most current versions of federal law and regulations contained in the Consumer Product Safety Improvement Act of 2008.

CENTER FOR FAMILY HEALTH

Genetic Disease Screening Program

AB 2300 Emmerson (Chapter 550)
GENETIC COUNSELORS

This bill requires CDPH to license genetic counselors who meet specified requirements. This bill will repeal these provisions as of January 1, 2014. In addition, this bill requires CDPH to issue a temporary genetic counselor license, valid for 24 months, to a person who has met certain requirements but has yet to pass the national certification examination.

Maternal, Child and Adolescent Health

AB 52 Portantino (Chapter 529)
UMBILICAL CORD BLOOD COLLECTION PROGRAM

AB 52 removes the responsibility for the Umbilical Cord Blood (UCB) Collection Program (Program) from the CDPH and requests the University of California (UC) to establish and administer the Program. The UC has to develop a plan to establish and administer the Program on or before July 1, 2011, to conclude no later than January 1, 2018. To provide a funding source for the UCB Program, this bill increases the existing fee for a certified copy of a birth certificate from \$7 to \$9 and would require that \$2 of the \$9 fee be paid to the Program in the UCB Collection Program Fund. This bill has an urgency clause.

CENTER FOR HEALTH CARE QUALITY

Laboratory Field Services

AB 1487 Hill (Chapter 444)
TISSUE DONATION

AB 1487 exempts the CDPH from Government Code rulemaking requirements for establishing regulations for facilities that perform sperm processing. CDPH will be required to adopt regulations by January 1, 2014, regulating facilities that perform sperm processing. CDPH may adopt as initial regulations, recommendations made within the "Guidelines for Reducing Risk of Viral Transmission During Fertility Treatment" as published by the American Society for Reproductive Medicine. The bill has an urgency clause.

SB 1246 Negrete McLeod (Chapter 523)
NATUROPATHIC MEDICINE

This bill amends Business and Professions Code (B&P) Sections 1206.5, 1209, 3613 and adds Sections 3640.2 and 3640.3 to 1) authorize licensed naturopathic doctors (NDs) to perform laboratory tests categorized by Clinical Laboratory Improvement Amendments as waived and to serve as laboratory directors for facilities performing waived tests; 2) adds to the Naturopathic Doctor Act authority for NDs to hire, train, certify, and supervise unlicensed staff to be known as naturopathic assistants (NAs) and; 3) defines and clarifies the eligibility requirements for NA certification and the level of supervision required during the performance of naturopathic technical support activities.

Licensing and Certification

AB 583 Hayashi (Chapter 436)
HEALTH CARE PRACTITIONERS: DISCLOSURE OF EDUCATION

AB 583 requires health care practitioners, including osteopaths, to disclose their highest level of educational degree and the name of the certifying board or association, if certified in a medical specialty.

AB 1863 Gaines (Chapter 164)
DIESEL GENERATORS: HEALTH FACILITIES

This bill extends the sunset date for the standards and reporting requirements that health facilities must meet that are related to backup generator testing.

AB 2675 Chesbro (Chapter 473)
HEALTH FACILITIES: LICENSEE ORIENTATION

This bill increases the number of orientation hours for intermediate care facility/developmentally disabled-habilitative and intermediate care facility/developmentally disabled-nursing facilities required for initial licensure.

SB 270 Alquist (Chapter 501)
HEALTH CARE PROVIDERS: MEDICAL INFORMATION

SB 270 clarifies what constitutes an unauthorized access to, use or disclosure of patient's medical information and extends the sunset date for the California Office of Health Insurance Portability and Accountability Act of 2001. This bill contains an urgency clause.

SB 442 Ducheny (Chapter 502)
CLINIC CORPORATION: LICENSING

SB 442 defines “clinic corporation” and modifies existing law which regulates the affiliate clinic licensure process to allow a clinic corporation that owns and operates one or more primary care clinics or mobile health care units to apply for additional clinic licenses using a streamlined process.

CENTER FOR INFECTIOUS DISEASES

AIDS, Office of

AB 1701 Chesbro (Chapter 667)
HYPODERMIC NEEDLES AND SYRINGES

AB 1701 extends the December 31, 2010, sunset date to the Disease Prevention Demonstration Project (DPDP) until December 31, 2018, to continue to allow nonprescription syringe sales in registered pharmacies. AB 1701 will continue the current provisions, which: 1) permits cities and/or counties to authorize the project; and 2) requires pharmacies which wish to participate to register with their local health department.

This bill also extends the sunset date from December 31, 2010 until December 31, 2018, which allows individuals to possess up to ten syringes for personal use pursuant to local authorization of a DPDP.

AB 2541 Portantino (Chapter 470)
REPORTING OF CERTAIN COMMUNICABLE DISEASES

AB 2541 requires a laboratory making a report pursuant to H&S Code Section 121022 (HIV reporting) to electronically submit that report in a manner specified by the CDPH, within one year of the establishment of a state electronic laboratory reporting system. This bill amends H&S Code Section 121022 to require health care providers and local health officers to submit HIV case reports by courier service, U.S. Postal Service Express mail or registered mail, other traceable mail, person-to-person transfer, facsimile, or electronically by a secure and confidential electronic reporting system established by CDPH.

This bill also amends H&S Code Section 121025 to permit specified disclosure of HIV/AIDS-related public health records for public health purposes and would increase the civil penalties for negligent, willful, and malicious disclosure of this information.

ABX 8 1 Committee on Budget (Chapter 2)
BUDGET ACT OF 2009

AB X8 1 reduces by \$3,541,000 from the Federal Trust Fund for state support of HIV/AIDS programs and increases appropriations for local assistance for HIV prevention, testing, and care in the amount of \$3,541,000 payable from the Federal Trust Fund.

Communicable Disease Control

AB 354 Arambula (Chapter 434)
HEALTH: IMMUNIZATIONS

AB 354 will require students beginning 7th grade from July 2011 to be fully immunized against pertussis (whooping cough). Pupils entering grades 8th through 12th on July 1, 2011, but not in later years, also will be required to be fully immunized against pertussis. The bill removes obsolete age and date restrictions from school vaccine requirements and a redundant requirement to check hepatitis B immunization history at 7th grade.

AB 1937 Fletcher (Chapter 203)
PUPIL HEALTH: IMMUNIZATIONS

AB 1937 permits school districts to allow physician assistants, nurse practitioners, registered nurses, licensed vocational nurses, and supervised nursing students, working under the direction of a physician and surgeon, to administer influenza vaccine and vaccines needed, during an outbreak, to pupils at school. The bill also requires the school nurse to be notified of any immunization program and to oversee any vaccine administration activity in accordance with their supervising health duties. This bill contains an urgency statute.

AB 2689 Smyth (Chapter 45)
RABIES VACCINATION

AB 2689 allows a local agency responsible for dog licensing to specify the means by which a dog owner provides proof of rabies vaccination. The means of providing proof of vaccination are expanded to include, but not be limited to, electronic transmission or facsimile. This bill includes an urgency clause.

ADMINISTRATION

AB 1766 Gaines and Logue (Chapter 364)
PLACER COUNTY INTEGRATED HEALTH AND HUMAN SERVICES PROGRAM

AB 1766 amends Section 18986.62 of the Welfare and Institutions Code to extend the sunset date from July 1, 2011 for the Placer County Integrated Health and Human Services pilot program, until July 1, 2016.

EMERGENCY PREPAREDNESS

SB 769 Alquist (Chapter 506)
**FEDERAL FUNDING: SUPPLEMENTAL APPROPRIATIONS:
PANDEMIC FLU**

This bill extends the sunset date of H&S Code Article 6, Part 3 from September 1, 2010 to September 1, 2012. This authority includes the process for allocation of Public Health Emergency Preparedness and Public Health Emergency Response funds to local health departments (LHDs), payment of these funds to LHDs, and exemptions from Division 2, Part 2 (commencing with Section 101000) of the Public Contract Code to enable CDPH to rapidly contract for preparedness services. This bill contains an urgency statute.

WOMEN'S HEALTH

AB 2426 Bradford (Chapter 138)
SURROGACY FACILITATORS

AB 2426 requires nonattorney surrogacy facilitators to direct their clients to deposit all client funds into an independent, bonded escrow or trust account maintained by an attorney that is subject to specific withdrawal requirements. Surrogate facilitators are defined by the bill as people or organizations that advertise to solicit parties to an assisted reproduction agreement, act as the intermediary between the parties to such an agreement, or that charge a fee for services rendered relating to such an agreement.

2010 ENROLLED BILLS

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AB 542	Feuer	Veto	-----	LC	-----
AB 549	Furutani	Veto	-----	FP	-----
AB 583	Hayashi	Sign	436	LC	8
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AB 2675	Chesbro	Sign	473	LC	8
AB 2689	Smyth	Sign	45	DC	10
AB 2720	John A. Perez	Veto	-----	CD	-----
AB 2786	Comm. on Health	Veto	-----	DC	-----
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SB 270	Alquist	Sign	501	LC	8
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PROGRAM ASSIGNMENTS AND ACRONYMS

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VETO MESSAGES

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AB 301	Fuentes	Vended Water	FR
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AB 549	Furutani	Licensure: Clinical Laboratory Personnel	LB
AB 1225	De La Torre	Emergency and Disaster Response Exercises: Infectious Diseases	EP
AB 1405	De Leon	California Global Warming Solutions Act of 2006: California Climate Change Community Benefits Fund	EO
AB 1640	Evans	Breast and Cervical Cancer Screening	CD
AB 1652	Jones	Public Safety: Ski Resorts	CD
AB 1745	Ammiano	Vital Records: Fees: Disposition of Human Remains	HI
AB 1858	Blumenfield	Hypodermic Needles and Syringes: Exchange Services	AS
AB 2039	Logue	Placer County Integrated Health and Human Services Program	AD
AB 2077	Solorio	Pharmacy	FR
AB 2093	V. Manuel Perez	Immunizations for Children: Reimbursement For Physicians	DC
AB 2494	Blumenfield	Personal Services Contracts	AD
AB 2667	Hill	Vehicles: Child Passenger Restraint Systems	CD
AB 2720	John A. Perez	Public Health: Food Access	CD
AB 2786	Comm. on Health	Reportable Diseases and Conditions	DC
SB 289	Ducheny	Hospitals: Seismic Safety	LC
SB 662	Yee	Domestic Violence: Marriage License Fees	HI
SB 971	Pavley	Bleeding Disorders: Blood Clotting Products	LC
SB 1029	Yee	Hypodermic Needles and Syringes	AS
SB 1173	Wolk	Recycled Water	DE
SB 1269	Oropeza	Food Donation Liability	FR