# Legislative Summary 2012

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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 repack/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  Lowenthall (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.
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.

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.
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 LHIP 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 lymphotrophic 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”.

17
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.
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